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1	UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION	
2		1 VIDEO DEPOSITION OF JOHN RUFFINO
3		2 OCTOBER 24, 2017
4		3
5		4
6	JOHN RUFFINO and MARTHA RUFFINO, Husband and Wife,	5 I N D E X
7	) ) Plaintiffs,	6 CAPTION, APPEARANCES & INDICES: ----- 1-3
8	) ) Civil Action No.) 3:17-cv-00725	7 TESTIMONY OF JOHN RUFFINO: ----- 4-116
9	) ) DR. CLARK ARCHER and HCA HEALTH SERVICES OF TENNESSEE, INC.	8 Direct Examination by Mr. Gideon: ----- 4-116
10	Jury Demand Judge Crenshaw d/b/a STONECREST MEDICAL CENTER,	9 CERTIFICATE BY REPORTER: ----- 117
11	) Magistrate Judge Newbern Defendants.	10 DEPONENT CERTIFICATION: ----- 118-120
12	) VIDEO DEPOSITION OF JOHN RUFFINO OCTOBER 24, 2017	11 EXHIBIT: ----- Attached
13		12
14		13 INDEX OF EXHIBITS
15		14 Exhibit Marked for Identification
16		15 Exhibit 1: ----- 53
17		16
18	The video deposition of JOHN RUFFINO was taken pursuant to Notice on the 24th day of October, 2017, beginning at 9:57 a.m., at the Wingfield Inn, 1101 Housman Street, Mayfield, Kentucky; said video deposition was taken for any and all purposes permitted by law.	17
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23		22
24		23
25		24
		25
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1	APPEARANCES: Brian Cummings CUMMINGS MANOOKIAN, PLC 45 Music Square West Nashville, Tennessee 37203 ATTORNEY FOR PLAINTIFFS	1 VIDEOPHOTOGRAPHER: This is the deposition of John
2		2 James Ruffino being taken in the Middle District of
3		3 Tennessee, Nashville Division; John Ruffino and Martha
4		4 Ruffino versus Dr. Clark Archer and HCA Health Services of
5		5 Tennessee, Inc., d/b/a StoneCrest Medical Center. Today's
6		6 date October 24, 2017. Start time 10:59 a.m. Correction
7		7 9:57 a.m. We are located at the Wingfield Inn in
8		8 Mayfield, Kentucky.
9		9 At this time will counsel please state their
10		10 appearances for the record?
11		11 MR. CUMMINGS: Brian Cummings for the
12		12 plaintiffs.
13		13 MR. GIDEON: C.J. Gideon and Blake Carter for
14		14 HCA Health Services of Tennessee doing business as
15		15 StoneCrest Medical Center.
16	ALSO PRESENT: Martha Ruffino PLAINTIFF	16 MR. GORMAN: Nate Gorman for Dr. Clark Archer.
17		17 THE WITNESS, BEING FIRST DULY SWORN UPON HIS
18		18 OATH, TESTIFIED AS FOLLOWS:
19		19 DIRECT EXAMINATION BY C.J. GIDEON, JR., ATTORNEY
20		20 FOR HCA HEALTH SERVICES OF TENNESSEE, INC. d/b/a
21		21 STONECREST MEDICAL CENTER:
22		22 Q How many depositions have you given before,
23		23 Mr. Ruffino?
24		24 A Zero.
25		25 Q Let me give you some rules to keep in mind



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<p>1 that will make the process easier for you and more useful 2 for us. Listen to the question I ask. If at any time I 3 ask you a question you don't understand, just tell me and 4 I'll do a better job the next time. If you need to take a 5 break as a matter of personal comfort, to check on 6 somebody, you're free to do so whenever you wish to. All 7 you have to do is answer the question that I've just 8 asked. Likewise, when I hand you some documents if you, 9 for any reason, need some glasses or you need better 10 lighting, we can always move around this room, because 11 it's a little dark in here, to get better lighting so you 12 can read things clearly.</p> <p>13 Have you taken any medications today?</p> <p>14 A No.</p> <p>15 Q Do you routinely take medications?</p> <p>16 A Yes.</p> <p>17 Q What medications do you normally take?</p> <p>18 A I'm not sure.</p> <p>19 Q Can you think of one medication you 20 routinely take?</p> <p>21 A Blood pressure.</p> <p>22 Q Is it Lisinopril?</p> <p>23 A Yes.</p> <p>24 Q How frequently do you take Lisinopril?</p> <p>25 A Once a day.</p>	<p>1 take regularly?</p> <p>2 A Aspirin.</p> <p>3 Q 81 milligrams?</p> <p>4 A Yes.</p> <p>5 Q Is it an enteric coated thing so it won't 6 hurt your stomach?</p> <p>7 A No.</p> <p>8 Q Baby aspirin?</p> <p>9 A Yeah.</p> <p>10 Q Okay. So that's three. What are four and 11 five?</p> <p>12 A One for seizures.</p> <p>13 Q Do you take Neurontin?</p> <p>14 A I don't know.</p> <p>15 Q Or is it called Gabapentin?</p> <p>16 A No.</p> <p>17 Q It's for seizures, though?</p> <p>18 A Yeah.</p> <p>19 Q Who is the doctor that wrote you the 20 prescription for the medication for seizures?</p> <p>21 A I don't know what his name is.</p> <p>22 Q You don't know what his name is?</p> <p>23 A Yeah.</p> <p>24 Q Is it Dr. Carrico, C-a-r-r-i-c-o?</p> <p>25 A Is he here? Is he in Mayfield?</p>
Page 6	Page 8
<p>1 Q Anything other than Lisinopril for blood 2 pressure? Do you take a medication called a statin that 3 holds down your cholesterol?</p> <p>4 A Yes.</p> <p>5 Q What's the name of that?</p> <p>6 A I don't know.</p> <p>7 Q Is it Atorvastatin?</p> <p>8 MS. RUFFINO: I'm not sure either.</p> <p>9 MR. CUMMINGS: You answer when it's your 10 deposition. Okay?</p> <p>11 MS. RUFFINO: Sorry. Thought he was looking at 12 me.</p> <p>13 MR. CUMMINGS: That's okay.</p> <p>14 (Direct Examination continues by Mr. Gideon:)</p> <p>15 Q A lot of folks, people born in the '50s 16 like you and I, will have little pill containers where 17 we'll put our meds in to know that we've got to take these 18 each day. Do you have a pill container?</p> <p>19 A Yes.</p> <p>20 Q How many different kinds of pills are in 21 your container?</p> <p>22 A Five.</p> <p>23 Q So we've covered a blood pressure that you 24 think is Lisinopril, some kind of statin that reduces 25 cholesterol. What are the other three medications you</p>	<p>1 Q Yes, sir.</p> <p>2 A Yes.</p> <p>3 Q All right. When's the last time you had a 4 seizure?</p> <p>5 A August.</p> <p>6 Q Of what year?</p> <p>7 A Of 2016.</p> <p>8 Q All right. So it's been over a year?</p> <p>9 A Yeah.</p> <p>10 Q You're still taking a drug to stop 11 seizures, though?</p> <p>12 A Yes.</p> <p>13 Q All right. And what's that fifth 14 medication that's in your pill container?</p> <p>15 A I can't remember.</p> <p>16 Q As you go through today if that occurs to 17 you, just tell me when we get to it.</p> <p>18 A Yes.</p> <p>19 Q Do you have the pill container with you 20 today?</p> <p>21 A No.</p> <p>22 Q Are we on central or eastern time here?</p> <p>23 A Central.</p> <p>24 Q All right. So it's just a few minutes 25 after 10:00 central. You've not taken any medications at</p>

Page 9	Page 11
1 all today. Is there a reason why?	1 A Yes.
2 A I will take it when I get home from this.	2 Q When's the last time you had your vision
3 Q When do you normally take your medications?	3 checked?
4 A In the morning; like at 10:00, 11:00.	4 A I don't remember.
5 Q Okay. Well, I'll ask you again, is there a	5 Q Today is a deposition. I'm going to ask
6 reason why you didn't take them this morning?	6 you questions. You are under oath the same way you would
7 A No.	7 be in a courtroom. Do you understand that?
8 Q When's the last time you saw Dr. Carrico?	8 A Yes.
9 A Month ago.	9 Q Okay. Tell me what you have looked at,
10 Q Do you see him on a monthly basis?	10 what you have read or reviewed to get ready to give this
11 A No. Every three months.	11 deposition today in this case you filed.
12 Q Is he the physician for both you and your	12 A Just the things that, things that I
13 wife here in this community?	13 e-mailed.
14 A No.	14 Q What things did you e-mail and who did you
15 Q Who's your wife's physician?	15 e-mail things to?
16 A I don't know.	16 A Things I had to sign. That's it.
17 Q You don't know?	17 Q Are you telling me that the only thing you
18 A No.	18 looked at in preparation for this deposition were things
19 Q Do you have a driver's license?	19 that you signed?
20 A Yes.	20 A Yeah.
21 Q Are you permitted to drive a car in the	21 Q Were they called interrogatories, answers
22 State of Kentucky?	22 to written questions?
23 A Yeah.	23 A I don't know.
24 Q Okay. Do you have any conditions or	24 Q When did you look at these things?
25 limitations on your driver's license in Kentucky that	25 A I can't tell you. I don't know.
Page 10	Page 12
1 limit when you can drive, where you can drive, or what you	1 Q You don't recall when you looked at them?
2 can drive?	2 A They are over a period of time.
3 A No.	3 Q Yes. I'm sure that's the case. But what
4 Q No. Before we got started I asked if you	4 I'm interested in is, as you prepared to give your sworn
5 needed glasses in order to -	5 testimony today, what if anything did you look at in order
6 A Drive.	6 to get prepared, to know details about the case?
7 Q - read documents today. I need glasses to	7 Anything?
8 read documents and I noticed the room was dark, which is	8 A No.
9 the reason I asked you that. Are you required to wear	9 Q No. Dr. Carrico is a family practice
10 glasses to drive a car?	10 physician?
11 A Not required.	11 A Yes.
12 Q No. Do you find it helpful to do that?	12 Q Have you seen a neurologist?
13 A Yes.	13 A Yes.
14 Q Do you have an ophthalmologist or an	14 Q In the last year or so?
15 optometrist -	15 A Yes.
16 A No.	16 Q Who?
17 Q - that's seen your -- checked your eyes in	17 A Dr. Maria Dongas.
18 the last year or so?	18 Q When did you last see Dr. Maria Dongas?
19 A No.	19 A About three to six months ago.
20 Q You were born in June of 1959?	20 Q And you saw her in Nashville?
21 A Correct.	21 A Yes.
22 Q So you're coming up on 60 in two years,	22 Q What did you go to see her for?
23 right?	23 A She wanted to see if I improved at all or
24 A Yes.	24 if there's any difference.
25 Q Currently 58 years of age?	25 Q Excuse me. I didn't understand.

Page 13	Page 15
1 A She wanted to know if there was any difference in what we have.	1 A No. I went there.
2 Q She wanted to examine you and see if your right side was any better than it had been -	2 Q You picked Dr. Efobi on your own?
5 A Yes.	3 A Yeah.
6 Q - before?	4 Q How did you go about selecting Dr. Efobi?
7 A Yes.	5 What I'm getting at is how did you know that Dr. Efobi was the right one to see for strokes or mini strokes?
8 Q And was it some better?	7 A She was a nurse of neurologists.
9 A No.	8 Q Had you had three mini strokes by the time you first saw Dr. Efobi?
10 Q The same?	10 A No. No.
11 A Yeah.	11 Q How many?
12 Q Same since when?	12 A Did you say Dr. Efobi?
13 A Since I had a stroke.	13 Q Yes.
14 Q Okay. Well, we'll get back to that in a minute. Let's talk, first of all, about when you first began dealing with mini strokes. When did you first have trouble with mini strokes?	14 A Yeah. Three was all, yeah.
18 A December.	15 Q You had three by the time you first saw Dr. Efobi?
19 Q Of what year?	17 A Yeah.
20 A Of 2015.	18 Q Did they all occur at home?
21 Q And tell me about the presentation of the first mini stroke. How did you feel? What were you doing when it presented itself?	19 A Yeah.
24 A Nothing. I was just sitting there.	20 Q Did any of them happen at Wal-Mart?
25 Q Just sitting still? Were you at home?	21 A One did.
	22 Q What?
	23 A One did.
	24 Q All right. Well, you just told me all happened at home and now you said one happened at
Page 14	Page 16
1 A No. Yeah, I was at home.	1 Wal-Mart?
2 Q You were at home with the first stroke. 3 And how did you know something was happening to you?	2 A One happened at Wal-Mart. Two happened at 3 home.
4 A I had dizziness and I had - - my right hand, right arm would get heavy.	4 Q On the one that happened at Wal-Mart, did 5 you feel a heaviness of your right leg too?
6 Q Dizziness. Heavy right arm.	6 A No.
7 A That was it.	7 Q Did you tell Dr. Efobi you felt heaviness 8 in your right leg and right arm?
8 Q What about right leg?	9 A No.
9 A No.	10 Q On the two other episodes, the ones that 11 were not at Wal-Mart, were you unable to use your right 12 arm?
10 Q No problem with your right leg. When you 11 had that first mini stroke did you also experience a lack 12 of feeling or sensation in your right arm or right leg?	13 A No.
13 A No.	14 Q You didn't tell her that either, did you?
14 Q No. Okay. How many mini strokes did you 15 have in December of 2015?	15 A I didn't tell her that, no.
16 A I don't know.	16 Q Okay. And you know that when you go to see 17 a doctor you have an obligation to be honest and accurate 18 as you describe things for the doctor, don't you?
17 Q How many occurred before you told a doctor 18 about a mini stroke?	19 A Yeah.
19 A Three times.	20 Q Correct?
20 Q Which doctor did you first go to see about 21 mini strokes?	21 A Yeah.
22 A Dr. Efobi.	22 Q Okay. In all of those episodes, those mini 23 strokes, did you have difficulty speaking?
23 Q Excuse me?	24 A No.
24 A Efobi.	25 Q Did you have difficulty speaking with any
25 Q Somebody sent you to Dr. Efobi, though?	

Page 17	Page 19
1 of those mini strokes?	1 A No.
2 A No.	2 Q Did Dr. Efobi order any tests or
3 Q Did you tell Dr. Efobi that you had	3 examinations on that first visit?
4 difficulty speaking with all three of those episodes?	4 A Yes.
5 A No.	5 Q What did she order?
6 Q Were you fatigued, tired after each of	6 A I don't know.
7 those episodes?	7 Q Did she order any imaging studies like an
8 A No.	8 MRI or an MRA test that I'm sure you've become familiar
9 Q What was the day, if you can recall, of	9 with now?
10 your first visit to Dr. Efobi?	10 A Yeah. Yeah.
11 A Don't recall.	11 Q And weren't those done at University
12 Q When you went to see Dr. Efobi - - by the	12 Medical Center?
13 way, is Dr. Efobi a male or a female?	13 A Yes.
14 A Female.	14 Q Which is a facility you'd been to before,
15 Q When you went to see Dr. Efobi the first	15 right?
16 time, were you fatigued at the time of that visit?	16 A Yes.
17 A I don't think so.	17 Q Did she order any blood studies to -
18 Q Had you experienced any loss of hearing by	18 A Yes.
19 the time of that first visit?	19 Q - look at the blood?
20 A No.	20 A Yeah. We were - - yeah.
21 Q Were you experiencing difficulty breathing	21 Q Did she explain to you why she was ordering
22 called shortness of breath?	22 these studies, what she was looking for?
23 A No.	23 A I can't remember what she said.
24 Q You're sure of that?	24 Q Have you had any problem with your memory?
25 A Yes.	25 A No.
Page 18	
1 Q Okay. Were you experiencing any numbness	1 Q Now, before you went to see Dr. Efobi had
2 or weakness in your right arm when you went to see her?	2 you had any experience with seizures?
3 A No.	3 A No.
4 Q Were you experiencing any tingling	4 Q Had you seen a doctor whose last name was
5 anywhere?	5 Luck, Dr. Luck -
6 A No.	6 A Yes.
7 Q Were you experiencing any loss of memory as	7 Q - before you went to see Dr. Efobi?
8 of that first visit?	8 A Yeah, I did see Dr. Luck.
9 A No.	9 Q Is Dr. Luck the one that sent you to see
10 Q Were you experiencing any back pain?	10 Dr. Efobi?
11 A No.	11 A Yes. Well, yeah, that's right. Yeah.
12 Q Joint pain?	12 Q Okay. Where had you seen Dr. Luck? What
13 A No.	13 was the physical location where you actually came in and
14 Q Any weakness anywhere?	14 he did an examination of you?
15 A No.	15 A He had a family practice right on Maple.
16 Q Did you tell her you had a history of	16 Q In Lebanon?
17 falling down?	17 A Yeah.
18 A No.	18 Q Okay. Did you ever see anybody else at
19 Q Did you have any depression?	19 that same location?
20 A No.	20 A No.
21 Q And had you experienced any anxiety or	21 Q All right. What was the name of the
22 panic attacks by the time you first saw Dr. Efobi?	22 practice?
23 A No.	23 A I don't know.
24 Q When you went to see Dr. Efobi was there	24 Q What had you told Dr. Luck? What problems
25 anything at all wrong with you?	25 were you having that led Dr. Luck to send you to see Dr.

<p>Page 21</p> <p>1 Efobi?</p> <p>2 A I think I said my - - I had symptoms, 3 symptoms of the - - symptoms of shortness of - - short - -</p> <p>5 Q Stroke? Mini stroke?</p> <p>6 A Mini strokes.</p> <p>7 Q Okay. Well, what kind of symptoms of mini 8 stroke were you having that you shared with Dr. Luck?</p> <p>9 A The arm, and I felt dizziness.</p> <p>10 Q And what about the arm; other than the 11 heaviness you've told me, did you notice any other 12 symptoms that you shared with Dr. Luck?</p> <p>13 A No.</p> <p>14 Q How long had the mini strokes then been 15 going on before you first told Dr. Luck about dizziness 16 and the right arm feeling very heavy?</p> <p>17 A Say that again.</p> <p>18 Q Yes. From the time you had your first 19 right arm heaviness and dizziness, how much time was it 20 before you saw Dr. Luck and reported to him what was going 21 on?</p> <p>22 A I don't know.</p> <p>23 Q Okay. Tell me what Dr. Efobi then shared 24 with you, if anything, at the end of that first visit with 25 her. What did she tell you?</p>	<p>Page 23</p> <p>1 Q You saw her twice before you went to 2 StoneCrest Medical Center, didn't you?</p> <p>3 A There was a third time, I think.</p> <p>4 Q Well, wasn't there a visit in December of 5 2015 and then a visit on February 11, 2016?</p> <p>6 A Wasn't there one inbetween?</p> <p>7 Q You went to University Medical Center to 8 get - -</p> <p>9 A Wasn't there one inbetween that February 10 and December?</p> <p>11 Q I don't think so. I think there was one - 12 - we can look and you can look at it too. There's one in 13 December. You got an MRA and an MRI on the 23rd of 14 December at University Medical Center, and then you came 15 back to see her again February 11, 2016. Isn't that 16 right?</p> <p>17 A Yeah.</p> <p>18 Q Okay. So there were two visits?</p> <p>19 A The second one.</p> <p>20 Q So was it on the second one, February 11, 21 2016, when she told you that her diagnosis was seizures?</p> <p>22 A Yeah.</p> <p>23 Q Yes?</p> <p>24 A Yeah.</p> <p>25 Q Okay. What was it that she said led to the</p>
<p>Page 22</p> <p>1 A Nothing.</p> <p>2 Q Nothing. Now, were you smoking at the 3 time?</p> <p>4 A Yes.</p> <p>5 Q How much?</p> <p>6 A Two packs a day.</p> <p>7 Q Did she not tell you that you absolutely 8 had to stop smoking because of your stroke risk?</p> <p>9 A No.</p> <p>10 Q She didn't?</p> <p>11 A No.</p> <p>12 Q You sure of that?</p> <p>13 A Yes.</p> <p>14 Q Did she say that she had diagnosed you with 15 seizures?</p> <p>16 A That first time?</p> <p>17 Q Yes, sir.</p> <p>18 A No.</p> <p>19 Q Did she diagnose you with seizures at the 20 second visit?</p> <p>21 A No.</p> <p>22 Q Did she ever diagnose you with seizures?</p> <p>23 A Yes.</p> <p>24 Q When?</p> <p>25 A The last time I saw her.</p>	<p>Page 24</p> <p>1 diagnosis of seizures?</p> <p>2 A She didn't say.</p> <p>3 Q Okay. Is that when she prescribed 4 Neurontin or Gabapentin for you -</p> <p>5 A Yes.</p> <p>6 Q - to control the seizures?</p> <p>7 A Yes.</p> <p>8 Q Now, before you saw her on February 11 had 9 you had another mini stroke, the fourth one? Let's count 10 them. You said there were three that had occurred before 11 you saw her the first time. One was at Wal-Mart and two 12 were at home. On February 11th there's a note in her 13 record that says, "Had another TIA like spell." Described 14 you as being worried. So was there a fourth mini stroke?</p> <p>15 A Yeah. Yeah.</p> <p>16 Q Or more?</p> <p>17 A No. Fourth.</p> <p>18 Q Okay. Were you still smoking as of 19 February 11, 2016?</p> <p>20 A Yes.</p> <p>21 Q When did you actually stop?</p> <p>22 A When I had the stroke.</p> <p>23 Q I'm asking you the date. When did you 24 actually stop?</p> <p>25 A February 7 - - 16th or 17th.</p>

	Page 25	Page 27
1	Q Of 2016?	1 tests?
2	A Yes.	2 A Yeah. That first one - - there was a blood
3	Q You've not smoked since then?	3 test done the last one.
4	A Nope.	4 Q Yes. But hadn't she asked you to get the
5	Q On this fourth mini stroke did you have any	5 blood test at the first visit; you just hadn't done it?
6	difficulty swallowing?	6 A No.
7	A No.	7 Q That's not true?
8	Q You're sure of that?	8 A No.
9	A Yes.	9 Q All right. On this February 11, 2016 visit
10	Q Did you have any numbness anywhere?	10 you do not recall her telling you you had an abnormal
11	A No.	11 brain scan?
12	Q You're sure of that too?	12 A Never.
13	A Numbness of what?	13 Q Okay. Do you recall her prescribing
14	Q Numbness anywhere; of an arm, a leg, a	14 Neurontin or Gabapentin -
15	face?	15 A Yes.
16	A When was it?	16 Q - on that visit?
17	Q Huh?	17 A Yes.
18	A When was it?	18 Q What explanation did she give you as to why
19	Q The fourth mini stroke that occurred before	19 she was prescribing that for you?
20	your visit of February 11, 2016, during that mini stroke	20 A Because I told her what I had.
21	did you have any numbness anywhere?	21 Q And what was it you told her that you had?
22	A Yeah.	22 A I had a seizure.
23	Q Where?	23 Q Okay. Did you have a seizure that was
24	A Arm.	24 different than the stroke?
25	Q Right arm?	25 A No.
	Page 26	Page 28
1	A Yeah.	1 Q All right. How do you characterize, what
2	Q Okay. Did you have any fatigue or	2 motions or movements constitute a mini stroke as compared
3	headaches after -	3 to a seizure? Tell us yourself. What was it you done
4	A No.	4 that you thought was a seizure?
5	Q - the stroke was over?	5 A I couldn't tell you.
6	A No.	6 Q You don't remember?
7	Q And are you sure of that too?	7 A I can't tell you.
8	A Yes.	8 Q Did Dr. Efobi prescribe a statin to reduce
9	Q And you never ever told Dr. Efobi that you	9 your cholesterol and antiplatelet medications on that
10	had difficulty swallowing, correct?	10 visit?
11	A I - - yeah.	11 A No.
12	Q Your answer is not clear. Did you tell Dr.	12 Q Sir?
13	Efobi on February 11, 2016 that during this fourth stroke	13 A No.
14	you had had difficulty swallowing? Yes or no?	14 Q No. Did you have any additional spells on
15	A I don't know.	15 February 11th after you saw Dr. Efobi?
16	Q Did Dr. Efobi discuss with you on February	16 A No.
17	11th that the brain scan that had been done at University	17 Q Did you have any additional spells before
18	Medical Center was abnormal?	18 the morning of February 17, 2016?
19	A No.	19 A Not before.
20	Q Did Dr. Efobi tell you that it was	20 Q So after that fourth mini stroke, the next
21	critically important that you get that blood test done	21 time you had any problems was the morning of February 17?
22	that she asked you to get done at the first visit?	22 A Yes.
23	A I don't know what you're talking about.	23 Q What was your work schedule back in January
24	Q At the first visit with Dr. Efobi didn't	24 and February of 2016?
25	she and didn't we already establish she ordered some blood	25 A I start work at 7:00.

<p style="text-align: right;">Page 29</p> <p>1 Q Five days a week? Four days a week? What 2 was it?</p> <p>3 A Six days a week.</p> <p>4 Q Six days a week?</p> <p>5 A Yes.</p> <p>6 Q So, Monday through Saturday, 0700 was your 7 start time?</p> <p>8 A Yeah.</p> <p>9 Q And it would last until when?</p> <p>10 A Whenever I got done.</p> <p>11 Q With the deliveries?</p> <p>12 A Yeah.</p> <p>13 Q Were you paid on an hourly basis plus 14 overtime or were you paid on a piece rate for each 15 delivery?</p> <p>16 A Hourly rate.</p> <p>17 Q And what was the name of the company that 18 you actually worked for?</p> <p>19 A Servpro.</p> <p>20 Q Servpro?</p> <p>21 A Yes.</p> <p>22 Q This is the company that Gordon Lee was 23 your boss?</p> <p>24 A Yes. Yes.</p> <p>25 Q What were you paid; how much per hour?</p>	<p style="text-align: right;">Page 31</p> <p>1 A Yeah.</p> <p>2 Q And what was the name of the insurance 3 carrier that - -</p> <p>4 A Don't know it.</p> <p>5 Q Don't recall?</p> <p>6 A I don't recall.</p> <p>7 Q Then you worked for a company called Taylor 8 Postal Contracting, Inc.?</p> <p>9 A Yes.</p> <p>10 Q Worked for them from October of 2003 until 11 May 5, 2014. There was a three-month gap there between 12 leaving Clark Retail Enterprises in July of 2003 and going 13 to work for Taylor Postal in October of 2003. What was 14 the reason for that gap?</p> <p>15 A Unemployed.</p> <p>16 Q Were you fired at Clark Retail or did they 17 close? What happened?</p> <p>18 A They closed.</p> <p>19 Q What was the location that closed? What 20 city were you in?</p> <p>21 A Walled Lake.</p> <p>22 Q Pardon me?</p> <p>23 A Walled Lake.</p> <p>24 Q Walled?</p> <p>25 A Walled Lake.</p>
<p style="text-align: right;">Page 30</p> <p>1 A I don't remember. I don't.</p> <p>2 Q Did they provide you with health insurance 3 benefits?</p> <p>4 A No.</p> <p>5 Q All right. Now, just in terms of your 6 history, from January of 1994 to July of 2003, you worked 7 for a company called Clark Retail Enterprises -</p> <p>8 A Yes.</p> <p>9 Q - up in Michigan, didn't you?</p> <p>10 A Yes.</p> <p>11 Q What did you do? What was your job 12 responsibility?</p> <p>13 A I managed a store.</p> <p>14 Q What kind of store was it? Retail store 15 like a Walgreens or a CVS or a Five & Dime?</p> <p>16 A Gas station.</p> <p>17 Q Pardon me?</p> <p>18 A Gas station.</p> <p>19 Q Gas station. Okay.</p> <p>20 Did you have any spells back -</p> <p>21 A No.</p> <p>22 Q - in Michigan?</p> <p>23 A No.</p> <p>24 Q Did that company provide you with health 25 insurance?</p>	<p style="text-align: right;">Page 32</p> <p>1 Q Okay. All right. Taylor Postal 2 Contracting, your answers to Interrogatory Number 14 tell 3 us that your work for there was October 2003 until May 4 5th, 2014 when you went to work for Republic Services as a 5 truck driver?</p> <p>6 A Yes.</p> <p>7 Q Is Republic Services the same company 8 that's a big trash hauling company?</p> <p>9 A Yeah.</p> <p>10 Q And your answer to Interrogatory 14 said 11 that that job ended October 28, 2015, by mutual agreement. 12 What brought the job to an end?</p> <p>13 A I had three incidents where I had either an 14 accident or I got done late.</p> <p>15 Q You finished your route late or you had a 16 chargeable accident?</p> <p>17 A Yeah.</p> <p>18 Q Were they going to fire you?</p> <p>19 A Yes.</p> <p>20 Q And did they fire you?</p> <p>21 A Yeah.</p> <p>22 Q All right. When they fired you did they 23 state a reason for the firing?</p> <p>24 A No.</p> <p>25 Q Well, how do you know what the reason was</p>

<p style="text-align: right;">Page 33</p> <p>1 if they didn't state a reason for it?</p> <p>2 A Because they had -- they had a reason for</p> <p>3 it.</p> <p>4 Q Did somebody tell you, somebody who worked</p> <p>5 for Republic tell you, "Mr. Ruffino, we're terminating</p> <p>6 your employment because of the following things"?</p> <p>7 A Yes.</p> <p>8 Q All right. And those following things were</p> <p>9 finishing your runs late and/or some chargeable accidents?</p> <p>10 A Yeah.</p> <p>11 Q How long was it before you went to work for</p> <p>12 JTA Transport, supervised by Gordon Lee?</p> <p>13 A Say that again.</p> <p>14 Q Sure. Your answer to Interrogatory Number</p> <p>15 14 - and this is one of those documents where you were</p> <p>16 asked questions and you signed it, saying these are the</p> <p>17 right answers, under oath -</p> <p>18 A Yeah.</p> <p>19 Q - said that you were terminated by Republic</p> <p>20 Services October 28, 2015. My question now is, when did</p> <p>21 you next go to work for JTA Transport? When did that job</p> <p>22 begin?</p> <p>23 A May of 2014, 2015.</p> <p>24 Q May of 2015?</p> <p>25 A Yeah.</p>	<p style="text-align: right;">Page 35</p> <p>1 Q Did your wife work at that time?</p> <p>2 A No.</p> <p>3 Q Okay. Just tell me then, how did you all</p> <p>4 keep it together financially for seven months with no</p> <p>5 work?</p> <p>6 A I had my, my 401(k).</p> <p>7 Q You pulled money out of the 401(k)?</p> <p>8 A Yeah.</p> <p>9 Q All right. A lot of your education, work</p> <p>10 experience was all in Michigan. When did you move to</p> <p>11 Tennessee?</p> <p>12 A May of two-thousand -- when I came to work</p> <p>13 for Republic.</p> <p>14 Q Well, your answer to Interrogatory Number 3</p> <p>15 says that you moved to Alexandria, Tennessee in August of</p> <p>16 2014, and that answer is also under oath. So which one is</p> <p>17 it? Did you come to Tennessee in August of 2014 or when</p> <p>18 you went to work for Republic Services in May of 2014?</p> <p>19 A I came down here in May of 2014.</p> <p>20 Q All right. What brought you to Tennessee?</p> <p>21 A I changed jobs.</p> <p>22 Q Yes. Was it the Republic Services job -</p> <p>23 A Yeah.</p> <p>24 Q - that brought you to Tennessee?</p> <p>25 A Yeah.</p>
<p style="text-align: right;">Page 34</p> <p>1 Q Okay. Was that before you got fired by</p> <p>2 Republic? Did you already have this job lined up?</p> <p>3 A No.</p> <p>4 Q Well, you told us you were fired by</p> <p>5 Republic October 28, 2015.</p> <p>6 A Okay. Then it was May of 2015.</p> <p>7 Q May of '16, the next year?</p> <p>8 A No. No.</p> <p>9 Q Is one of these dates wrong?</p> <p>10 A I don't know. What do you got on there?</p> <p>11 Q I have what you gave us. You said that</p> <p>12 Republic fired you October 28, 2015. Is that right or</p> <p>13 wrong?</p> <p>14 A '14. 2014.</p> <p>15 Q Okay. And you went to work for JTA</p> <p>16 Transport in May of 2015?</p> <p>17 A 2015.</p> <p>18 Q So you were unemployed again for, what,</p> <p>19 seven months?</p> <p>20 A Yeah.</p> <p>21 Q Why were you unemployed for seven months?</p> <p>22 A I don't know.</p> <p>23 Q How did you get by for seven months without</p> <p>24 employment?</p> <p>25 A I don't know.</p>	<p style="text-align: right;">Page 36</p> <p>1 Q What brought you up here to Mayfield,</p> <p>2 Kentucky, from Alexandria, Tennessee?</p> <p>3 A Came to live closer to family.</p> <p>4 Q Which members of your family -</p> <p>5 A Friends.</p> <p>6 Q - up here live up here in Mayfield,</p> <p>7 Kentucky?</p> <p>8 A Just friends. It was actually friends.</p> <p>9 Q Just friends?</p> <p>10 A Of Martha's.</p> <p>11 Q Friends of your wife?</p> <p>12 A Yeah.</p> <p>13 Q Okay. Who is the principal friend she has</p> <p>14 here?</p> <p>15 A It was Debbie Langston.</p> <p>16 Q And where is Debbie Langston now?</p> <p>17 A Passed away.</p> <p>18 Q She passed?</p> <p>19 (WITNESS NODS YES INDICATING THE AFFIRMATIVE.)</p> <p>20 Q When did that happen?</p> <p>21 A I don't remember. 9/14 or something.</p> <p>22 Q What?</p> <p>23 A 9/14.</p> <p>24 Q September of 2014?</p> <p>25 A September of this year.</p>

<p>Page 37</p> <p>1 Q September 2017? 2 (WITNESS NODS YES INDICATING THE AFFIRMATIVE.) 3 Q Is Debbie Langston somebody who visited 4 with you at Centennial Medical Center? 5 A Yes. 6 Q And she has died since then? 7 A Yes. 8 Q Unexpectedly? 9 A Yes. 10 Q What happened? 11 A Don't know. 12 Q You don't know. 13 When you were living in Tennessee you lived at 14 150 Curtis Avenue in Alexandria, didn't you? 15 A Yes. 16 Q Did you own that house? 17 A No. 18 Q You rented? 19 A Yes. 20 Q Who did you rent from? 21 A Jason Beadle. 22 Q Say that last name again. 23 A Beadle. 24 Q B-e-a? 25 A B-e-a-d-l-e.</p>	<p>Page 39</p> <p>1 Tennessee. 2 Q Okay. When you were working Monday through 3 Saturday - 4 A Yeah. 5 Q - where did you have to be or what did you 6 have to be doing by 7:00 each morning? Did you have to be 7 in your truck? Did you have to call in? What did you 8 have to do? 9 A Had to be in my truck. 10 Q And what kind of vehicle did you drive? 11 A Straight truck, a 24-foot straight truck. 12 Q Open bed or closed bed? 13 A Closed. 14 Q Closed bed. Did you have to, if you -- 15 just as an example, if you were sent to the Bellevue Home 16 Depot to pick up a washer/dryer unit to take somewhere, 17 did you have to do the loading too, yourself? 18 A Yes. 19 Q All right. Did you have an assistant who 20 would go with you for - 21 A No. 22 Q - heavy loads? 23 A No. 24 Q All right. How did your employer know that 25 you were in your closed 24-foot truck by 7:00 each</p>
<p>Page 38</p> <p>1 Q Okay. All right. And then the house that 2 you moved to up here, do you rent or own? 3 A Rent. 4 Q And what's the address where you live here? 5 A 1206 South Sixth Street. 6 Q All right. While you were working for JTA 7 Transport, was this a company that had a contract with 8 Home Depot where they would deliver products that people 9 had bought at Home Depot to the purchaser's home? 10 A Right. 11 Q Yes? 12 A Yes. 13 Q And were you assigned to a particular Home 14 Depot store, to make all the deliveries from that one 15 store? 16 A No. 17 Q They could send you to any Home Depot? 18 A Yes. 19 Q Did you have a particular territory where 20 you would make deliveries to? 21 A Yeah. 22 Q What was your territory, Mr. Ruffino? 23 A Nashville. 24 Q Anywhere in Nashville? 25 A Nashville and just about anywhere in</p>	<p>Page 40</p> <p>1 morning? 2 A They had something on my phone. 3 Q Excuse me? 4 A They had something on my phone and I would 5 call in every morning to get my route. 6 Q So you'd start your work by calling in by 7 7:00; and they would give you what kind of information? 8 A Where I pick up and where I drop off. 9 Q Did they give you that information for the 10 whole day - 11 A Yes. 12 Q - or just one at the time? 13 A Whole day. 14 Q Did they give it to you orally or did they 15 send it to you in a text or an e-mail? 16 A Text. 17 Q Text. So JTA Transport would text your 18 phone and tell you all your pickups that day? Yes? 19 A Yeah. 20 Q What time did they text you on the morning 21 of February 17, 2016? 22 A 7:00. 23 Q Now, if you got to be at work by 7:00, you 24 can't get up at 7:00. You got to get up before that, 25 right?</p>



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1	A Right. Yeah.	Q Smoke some cigarettes?
2	Q Were you somebody that took a little time	2 A Smoked some cigarettes, yeah.
3	to get around -	3 Q Who else was living at 150 Curtis Avenue in
4	A Yes.	4 February of 2016 besides you and your wife?
5	Q - before you'd start working?	5 A That's all.
6	A Yes.	6 Q Didn't you have a stepson or a stepchild
7	Q So what time did you normally get up?	7 living there at the same time?
8	A Six.	8 A He left. He left. Like 2015, he left.
9	Q And what was your normal morning activity?	9 Q What was his name?
10	Example. Everybody is different. But would you have a	10 A Ralf Crothers. Ralf.
11	cup of coffee at 6:00? Would you take a shower? What	11 Q Rolf?
12	would you do?	12 A Ralf.
13	A I would go straight to the job, to my	13 Q R-o-l-f?
14	truck, and I would make sure everything was all right with	14 A R-a-l-f.
15	the truck.	15 Q And last name is what?
16	Q What would you do? Check the fan blades	16 A Crothers.
17	and all that stuff?	17 Q Carters?
18	A Yeah. Yeah.	18 A Crothers.
19	Q What would you check?	19 Q All right. Other than checking your
20	A Everything.	20 vehicle and having some cigarettes, did you do anything
21	Q Everything?	21 else before you got in the truck and checked in at 7:00?
22	A Yeah.	22 A No.
23	Q Check the oil fluid levels?	23 Q All right. What was your cell phone number
24	A Yeah.	24 back in February of 2016?
25	Q Brake fluid level?	25 A 248-770-1584.
	Page 42	Page 44
1	A Yeah.	1 Q How long had you had that cell phone
2	Q You did that every morning?	2 number?
3	A Yeah.	3 A Oh, it's been forever.
4	Q Did you have a checklist that you had to	4 Q Long, long time?
5	check off to reflect you'd done that?	5 A Yeah.
6	A No. No.	6 Q We issued a subpoena to Verizon for the
7	Q You know how pilots will have to go through	7 calls, in and out, on February 17th on both your number
8 a -		8 and your wife's. And your number is 248-770-1584?
9	A Yeah.	9 A Yeah.
10	Q - checklist on a plane?	10 Q Okay. I want you to turn in this document
11	A Yeah.	11 -- you got enough light to see that?
12	Q You didn't have to do that?	12 A Yeah.
13	A No.	13 Q Okay. If you'll look down -- you want to
14	Q What else did you check besides fluid	14 see this?
15	levels? Did you check the brake pads, measure the brake	15 MR. GORMAN: Sure.
16	pads every morning?	16 Q If you'll look down about midway on the
17	A No. No.	17 page, that says "Voice, continued," you'll see the
18	Q What else would you check?	18 beginning of the times. February 17th, 5:52 a.m., and it
19	A Tires.	19 shows an incoming call at 870 -- excuse me. An incoming
20	Q Tires. Air pressure?	20 call from 870-530-6372. Do you see where I am?
21	A Make sure.	21 A Yeah.
22	Q Did you eat breakfast?	22 Q That's a call from Kenneth Gunn, isn't it?
23	A No.	23 A I don't know.
24	Q Have any coffee?	24 Q Sir?
25	A No.	25 A I don't know.



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1	Q Who's Kenneth Gunn?	1	6:42, and 6:44, from Joe Maroney. Did your work schedule
2	A He's a guy that worked with me.	2	actually begin at 6:00, Mr. Ruffino?
3	Q Right. So he also worked for JTA	3	A Yeah. That's possible. Yeah.
4	Transport, didn't he?	4	Q All right. Were you having any kind of
5	A Yeah. Yeah.	5	mini-stroke when you got up that morning?
6	Q Why would Kenneth Gunn be calling you at	6	A No.
7	5:52 in the morning?	7	Q How did your right arm feel that morning?
8	A I don't know.	8	A Felt fine.
9	Q You didn't drive together, did you?	9	Q Felt good?
10	A No.	10	A Yeah.
11	Q Now, if you'll look there, there is a call	11	Q How about your right leg?
12	from Kenneth Gunn at 5:52, 870-530-6372. And then the	12	A I didn't feel a thing.
13	next call is incoming at 6:08 in the morning from the	13	Q Didn't feel a thing.
14	number 347-804-2984. That's Joe Maroney, isn't it?	14	What time of the day did you first notice that
15	A I don't know.	15	you were having any dizziness that day?
16	Q Who's Joe Maroney?	16	A 8:30.
17	A A guy I worked with.	17	Q 8:30 in the morning?
18	Q Why would Kenneth Gunn and Joe Maroney be	18	A Yeah. 8:00 or 8:30.
19	calling you between 5:52 and 6:08 in the morning on	19	Q Which one was it; 8:00 or 8:30?
20	February 16 - excuse me - February 17, 2016?	20	A 8:30.
21	A Joe Maroney, I had to - - I was training	21	Q And where were you when you first noticed
22	him and he was starting at - - he was starting his job and	22	that you had some dizziness?
23	he would call me if there was something he needed.	23	A I was at - - I didn't notice it. I was
24	Q Call you for advice or instructions?	24	told by a guy that works at the Smyrna store, Smyrna Home
25	A Yeah. Yeah.	25	Depot.
	Page 46		Page 48
1	Q Do you recognize this number now of	1	Q A guy at the Smyrna Home Depot told you you
2	347-804-2984 as Joe Maroney's number?	2	were dizzy?
3	A I don't know.	3	A Yeah. He said that - - he said that I
4	Q You don't recall his number?	4	looked funny or weird or something.
5	A Yeah.	5	Q Okay. Well, that to me is a little
6	Q You do know that you were working with a	6	different than you feeling dizzy. My question was, when
7	man named Joe Maroney?	7	is the first time on the morning of February 17, 2016 that
8	A Yeah.	8	you felt any dizziness? What time was that?
9	Q You'll notice that there are - - there's	9	A I'm not sure.
10	one at 6:08; there's one at 6:13; there's one at 6:42; and	10	Q Where were you when you first felt any
11	there's one at 6:44, all the same number.	11	dizziness?
12	A Uh-huh.	12	A I was leaving the store and driving away.
13	Q Do you see that?	13	Q Leaving the Home Depot store?
14	A Yeah.	14	A Yeah.
15	Q Do you recall having a series of calls or a	15	Q In Smyrna?
16	discussion with Mr. Maroney that morning?	16	A Yeah.
17	A At 6:44, yeah.	17	Q Okay. Now, did you tell me that your
18	Q What happened at 6:44?	18	company tracked your movements?
19	A I probably told him what he had to do.	19	A Yeah.
20	Q I understood from what you told me earlier	20	Q So they would know when you were leaving
21	that your work day began at 7:00?	21	the Smyrna Home Depot, wouldn't they?
22	A Yeah, but I'm not sure.	22	A Yeah.
23	Q Is it possible your work day actually began	23	Q Can you tell me about what time it was that
24	at 6:00? Because you got a call at 5:52 from Kenneth Gunn	24	you were leaving the Smyrna Home Depot?
25	and then a series of phone calls, beginning 6:08, 6:11,	25	A 8:00, 8:30.



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<p style="text-align: right;">Page 49</p> <p>1 Q 8:00 to 8:30. Okay. 2 In addition to you feeling some dizziness, 3 somebody told you that your face looked odd or weird? 4 A Yeah. 5 Q And you pointed to the right side of your 6 face. 7 A Yeah. 8 Q What did this person tell you? 9 A He didn't say anything. He just said, "You 10 don't look right." 11 Q "You don't look right"? 12 A Yeah. 13 Q Did you feel anything, perceive anything 14 when he said, "You don't look right"? 15 A No. 16 Q Did you feel like you were drooling out of 17 - 18 A No. 19 Q - that side of - 20 A No. 21 Q - your mouth? 22 A No. 23 Q Did you feel like you couldn't speak 24 correctly? 25 A No.</p>	<p style="text-align: right;">Page 51</p> <p>1 Q Now, had you been lifting some pretty good 2 size parcels up into the back of your truck before you 3 felt some dizziness? 4 A Wasn't really anything big in there. 5 Q Nothing big, of any size? 6 A No. 7 Q All right. Why did you think it was okay 8 to be driving your company vehicle if you were dizzy? Why 9 did you do that? 10 A I was doing all right and then this 11 happened at the store. 12 Q What? 13 A This happened at the store. 14 Q Okay. 15 A It was the first time that I felt like it. 16 Q Okay. Describe what you mean by dizziness. 17 Lots of people have different symptoms. You've heard 18 people talking about feeling a room is spinning, haven't 19 you? 20 A I don't know. 21 Q No? Have you ever heard anybody talk about 22 a room spinning? Yes or no? 23 A No. 24 Q Had you been seated and you got up quickly 25 and you felt dizzy? Is that what happened?</p>
<p style="text-align: right;">Page 50</p> <p>1 Q Did you feel anything weird at all 2 yourself? 3 A Not really. 4 Q Okay. Well, did you say, "Well, thanks for 5 calling me weird"? Did you say something back to him? 6 A No, I didn't. I just drove off. 7 Q Who is this guy that commented you looked 8 weird? 9 A He's the guy that - - he's the guy that - - 10 he's the head of the - - he's the head of - - he's the 11 head of the - - he's the head of the building supply 12 department. 13 Q In Smyrna? 14 A Yeah. 15 Q Do you recall what it is that you picked up 16 at the Smyrna Home Depot that morning? 17 A No. 18 Q What time did you get to the Smyrna Home 19 Depot that morning? 20 A 7:30. 21 Q Was that the first stop of the day for you? 22 A Yes. 23 Q All right. And you didn't feel any 24 dizziness until you were leaving? 25 A Yes.</p>	<p style="text-align: right;">Page 52</p> <p>1 A I don't know. 2 Q You have no recollection? Can you tell all 3 of us here as we're listening to you how you felt dizzy? 4 Example, you were uncertain about putting one foot in 5 front of the other one, or you felt like things were 6 moving in front of your eyes? Tell us what your dizziness 7 was. 8 A I don't know. 9 Q From the time that dizziness began that you 10 can't describe for us at 8:00 or 8:30 in the morning, as 11 you're leaving the Home Depot, did it ever go away that 12 day? 13 A No. 14 Q Stayed with you all day? 15 A Yeah. 16 Q Did it change during the day? 17 A No. Well, yeah. Yes, it did. Ended up 18 being a stroke. 19 Q When did the dizziness change? 20 A I don't know. 21 Q All right. Where were you headed when you 22 left the Home Depot in Smyrna? Where was your next stop? 23 A I don't know. 24 Q If you look at your phone record that's in 25 front of you - -</p>



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<p>1 MR. GIDEON: And, ma'am, we're going to make 2 that Exhibit 1 to his deposition. There are plenty of 3 copies so we can mark the one he's got after we're 4 finished.</p> <p>5 (DOCUMENT MARKED AS EXHIBIT 1 FOR IDENTIFICATION 6 AND IS ATTACHED HERETO.)</p> <p>7 Q If you look down here, and if you'll find 8 the number 615-834-0694, do you see those calls at 7:05 9 and 7:36?</p> <p>10 A Yeah.</p> <p>11 Q That's the number for the Knob Hill 12 Apartments out there on Wallace Lane.</p> <p>13 A Yeah.</p> <p>14 Q Did you have a delivery to the Knob Hill 15 Apartments?</p> <p>16 A I don't know.</p> <p>17 Q How would we be able to confirm what your 18 delivery was supposed to be? Would we have to get these 19 records from your employer?</p> <p>20 A Yeah.</p> <p>21 Q Did you keep -</p> <p>22 A No.</p> <p>23 Q - the records or any bills of lading or 24 anything?</p> <p>25 A Didn't have any.</p>	<p>1 A Yeah.</p> <p>2 Q Did you pull into one of those before the 3 ambulance picked you up?</p> <p>4 A Don't know. Don't know.</p> <p>5 Q Did you go inside and -</p> <p>6 A No.</p> <p>7 Q - see these people?</p> <p>8 A No.</p> <p>9 Q No?</p> <p>10 A No.</p> <p>11 Q Why did you pick that particular location 12 to pull in?</p> <p>13 A I don't know. It was a fast pull in and 14 stop driving until the police got there.</p> <p>15 Q Okay. Well, what made you decide to pull 16 in and stop driving? What had changed?</p> <p>17 A I got a call from Gordon Lee.</p> <p>18 Q Okay. Now, we've got an incoming call from 19 Gordon Lee here. Do you remember his telephone number?</p> <p>20 A No. Not offhand.</p> <p>21 Q Well, the answers to interrogatories that 22 your folks, your lawyers sent us told us under oath that 23 Gordon Lee's telephone number was 615-509-6512. Do you 24 see that?</p> <p>25 A Yeah.</p>
<p>1 Q Okay. When you would deliver something, 2 whether it was big or small, would you get whoever 3 received it to sign for it?</p> <p>4 A Yeah.</p> <p>5 Q Do you recall making a delivery to the Knob 6 Hill Apartments on the morning of the 17th of February 7 2016?</p> <p>8 A No.</p> <p>9 Q Now, do you know where the Knob Hill 10 Apartments are?</p> <p>11 A No.</p> <p>12 Q Do you recall going anywhere after you left 13 the Home Depot?</p> <p>14 A No.</p> <p>15 Q Do you have any memory of where you next 16 stopped?</p> <p>17 A Next stop I made was when I pulled into 18 part of like a driveway. That's it.</p> <p>19 Q You pulled into a Convenient Care facility, 20 didn't you?</p> <p>21 A I don't know about that.</p> <p>22 Q You've seen these things, I'm sure, that 23 are extended hours clinics where there's a physician or a 24 nurse practitioner there until later hours than a typical 25 doctor's office?</p>	<p>1 Q There's a call from that number at 8:53 in 2 the morning.</p> <p>3 A Yeah.</p> <p>4 Q An incoming call.</p> <p>5 A Yeah.</p> <p>6 Q Do you know why Gordon Lee was calling you 7 that morning?</p> <p>8 A He called me to tell me to pull off, pull 9 over.</p> <p>10 Q So it's because he told you to pull over 11 that you pulled over into a driveway?</p> <p>12 A Yeah.</p> <p>13 Q And this is 8:53 in the morning -</p> <p>14 A Yeah.</p> <p>15 Q - according to Exhibit 1. What explanation 16 did Gordon Lee give you as to why he was telling you to 17 pull over?</p> <p>18 A He told me that he got a call from the guy 19 from Home Depot.</p> <p>20 Q All right. Why did Gordon Lee call you 21 back again at 9:23 in the morning? You'll see that, 22 Mr. Ruffino.</p> <p>23 A I saw it.</p> <p>24 Q Why did he call you back again at 9:23?</p> <p>25 A I don't know.</p>



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1 Q What questions did he ask you once he 2 called you on the phone, if any?	1 Q What day of the week was this? 2 A I don't know.
3 A I don't know what it means by "Plan allow, 4 call waiting."	3 Q Do you recall where you pulled over, what 4 city you were in when you pulled over?
5 Q I don't either. It just says "incoming" 6 which makes me think that he had called you.	5 A I knew it was in Smyrna. 6 Q It was in Smyrna itself?
7 A Makes me think that I didn't answer.	7 A Yeah.
8 Q Pardon me?	8 Q Okay. Did the police then take you to a 9 hospital?
9 A Makes me think that I didn't answer.	10 A No.
10 Q Well, but it shows three minutes, if you 11 look off to the right.	11 Q What did they do for you?
12 A Makes me think that I didn't answer.	12 A They had EMS come.
13 Q You think he left a voicemail for you?	13 Q Did they call EMS then from that location?
14 A Maybe.	14 A Yes.
15 Q All right. After you pulled over, do you 16 recall what happened next? Once you've pulled over 17 because he's called you and told you to do so, what 18 occurred next?	15 Q Did they wait until EMS arrived?
19 A Police showed up.	16 A Uh-huh.
20 Q The police came?	17 Q Yes?
21 A Yeah.	18 A Yes.
22 Q From what city?	19 Q Did they talk to you?
23 A Smyrna.	20 A Not that I know.
24 Q Smyrna Police. Okay. Did they indicate to 25 you, Mr. Ruffino, that they had been dispatched there by	21 Q Did they just sit in their car and - 22 A I don't know. 23 Q - ignore you? 24 A I don't think so. 25 Q Did they ask you to get out of the car?
Page 58	Page 60
1 somebody else; or did they just happen to stop and ask you 2 what you were doing?	1 A No. I was already out of the car.
3 A No. They was dispatched by somebody else.	2 Q You were out of the car when you pulled 3 over?
4 Q Who dispatched them to come find you?	4 A Yes.
5 A I don't know.	5 Q Standing up?
6 Q How long was it after Mr. Lee called you 7 that you actually found a place where you could pull over?	6 A Yes.
8 A Immediately.	7 Q Walking around?
9 Q You were driving when he called you?	8 A Yes.
10 A Yeah.	9 Q Talking on your phone?
11 Q You were not going to stop unless he told 12 you to?	10 A Yes.
13 A Yeah.	11 Q Were you standing up, walking around and 12 talking on your phone when your wife called you?
14 Q Right?	13 A She didn't call me.
15 A Yeah.	14 Q Your wife did not call you that morning?
16 Q Okay. So why did you drive for either an 17 hour or half an hour with dizziness? Why did you do that?	15 A No. Wait. She called me -- no. She 16 called to get directions. She tried calling me and I 17 didn't answer.
18 A I don't know.	18 Q Well, take a look at your incoming call 19 record. Tell me if this isn't correct. Your wife's 20 telephone number was 248-762-5356, wasn't it?
19 Q Okay. Did the police take you to the 20 hospital?	21 A Yeah.
21 A No.	22 Q There's a record here at 9:29 that there's 23 an incoming call from her that's two minutes in length.
22 Q If you had left the Smyrna Home Depot and 23 had driven for either a half an hour or an hour, how far 24 away did you get before you came to a stop?	24 Did you not pick up the call?
25 A I don't know.	25 A Yeah.



	Page 61	Page 63
1	Q Why not?	1 your right arm?
2	A I don't know.	2 A No.
3	Q Were you on the phone with somebody else at	3 Q Did you ever think you had heaviness in
4	the time?	4 your right leg?
5	A I don't know.	5 A Yes. No.
6	Q Do you know from her how many times she	6 Q No. Did you ever think that you were
7	called you before being able to reach you?	7 talking funny?
8	A No.	8 A No.
9	Q Well, if her number is correctly 5356,	9 Q You just had this dizziness?
10	you'll see that there's an incoming call at 9:29 I just	10 A Yeah.
11	mentioned to you for two minutes.	11 Q Okay. How many policemen were there in the
12	A Yeah.	12 Smyrna Police vehicle?
13	Q But then there's an incoming call from that	13 A I only remember three.
14	same number at 9:53 for 11 minutes. Where were you when	14 Q Three policemen?
15	she made that call?	15 A Yeah.
16	A I don't know. I think I was - - I think I	16 Q In this day and time a lot of police
17	was in the ambulance.	17 vehicles have those dashboard cameras.
18	Q In the ambulance. Okay. How long from the	18 A Yeah.
19	time the police arrived before the ambulance showed up?	19 Q Do you recall if this vehicle had a
20	A I don't know.	20 dashboard camera?
21	Q Do you remember anything, any content of an	21 A No.
22	11-minute phone call with your wife that morning?	22 Q Do you recall them offering you anything,
23	A No.	23 whether it's water or coffee or a donut or anything, while
24	Q How much time did you spend out of your	24 they were there?
25	vehicle walking around, talking on the phone?	25 A No.
	Page 62	Page 64
1	A Half an hour.	1 Q Did any of them get out and walk with you?
2	Q And during that half an hour did you smoke	2 A Uh-huh.
3	some cigarettes?	3 Q Yes?
4	A No.	4 A Yes.
5	Q Not one?	5 Q And were you walking such that if it did
6	A No. Not one.	6 have a dashboard camera you might have been walking in
7	Q Why is that?	7 front of the vehicle so that it could pick you up?
8	A Because I had - - my cigarettes were in the	8 A Might have.
9	truck. I didn't have no cigarette pack.	9 Q Might have?
10	Q In that half an hour did you have any	10 A Yeah.
11	symptoms, any feelings other than being dizzy?	11 Q All right. You're there half an hour
12	A No.	12 walking around before the EMS people show up. Was it
13	Q Did you feel any heaviness in your right	13 Rutherford County EMS that came?
14	arm?	14 A I don't know.
15	A No.	15 Q Do you recall them coming with lights and
16	Q Any heaviness in your right leg?	16 sirens?
17	A No.	17 A I don't remember.
18	Q Did you think you were talking funny?	18 Q How many were in the EMS vehicle?
19	A No.	19 A I don't know. Two, I think.
20	Q Did you think you looked funny?	20 Q Excuse me?
21	A No.	21 A Two, I think.
22	Q At any time that day, February 17th, did	22 Q Both male? One male, -
23	you ever think you looked funny?	23 A I have no idea.
24	A No.	24 Q - one female?
25	Q Did you ever think you'd had heaviness in	25 A No idea.



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<p>Page 65</p> <p>1 Q No idea. All right.</p> <p>2 Now, before you left your home that morning did 3 you know something wasn't right?</p> <p>4 A No.</p> <p>5 Q Back in February of 2016, how many aspirins 6 did you normally take each day?</p> <p>7 A One.</p> <p>8 Q Did you take five aspirin the morning of 9 February 17 before you left the home?</p> <p>10 A No.</p> <p>11 Q That's false?</p> <p>12 A Yes.</p> <p>13 Q And you've never told anybody that?</p> <p>14 A Yeah.</p> <p>15 Q Okay. Did you keep aspirin in your work 16 truck?</p> <p>17 A No.</p> <p>18 Q Did you keep aspirin with you?</p> <p>19 A No.</p> <p>20 Q So there's no way you would've taken 21 aspirin if you didn't take it at home, correct?</p> <p>22 A Yeah. Correct.</p> <p>23 Q Do you recall telling a Dr. Chitturi that 24 you had taken five aspirin at home that morning?</p> <p>25 A No.</p>	<p>Page 67</p> <p>1 Q Okay. Did you tell the folks with the 2 Rutherford County EMS that you had a medical history of 3 seizures?</p> <p>4 A No.</p> <p>5 Q Did you tell them that you were driving and 6 got dizzy and thought you were going to pass out?</p> <p>7 A At that time I did, yeah.</p> <p>8 Q Did you tell them that?</p> <p>9 A Yeah.</p> <p>10 Q Did you tell them that you called your 11 boss?</p> <p>12 A I don't know.</p> <p>13 Q Did you tell them that your boss told you 14 to pull over and call 9-1-1?</p> <p>15 A That he was going to call 9-1-1.</p> <p>16 Q What they have recorded here is that you 17 said you called your boss and he told you to pull over and 18 call 9-1-1. Is that what you reported to them?</p> <p>19 A No.</p> <p>20 Q You didn't call 9-1-1 at any time, did you?</p> <p>21 A No.</p> <p>22 Q Which hospitals did you go by as you went 23 from the Smyrna Home Depot to 1332 Hazelwood in Smyrna?</p> <p>24 A No idea.</p> <p>25 Q Do you know if you went actually by two</p>
<p>Page 66</p> <p>1 Q And if he wrote that down, that's false?</p> <p>2 A Yes.</p> <p>3 Q Did anybody come out from a HealthWorks, 4 U.S. HealthWorks Urgent Care Clinic at 1332 Hazelwood 5 Drive in Smyrna, Tennessee, and talk to you or look in on 6 you after you had pulled into their driveway?</p> <p>7 A No.</p> <p>8 Q Do you recall there being an Urgent Care 9 Clinic where you were picked up?</p> <p>10 A No.</p> <p>11 Q All right. Now, when the folks got there 12 from EMS, did they ask you questions, ask you to tell them 13 what's been going on with you?</p> <p>14 A They might have been.</p> <p>15 Q Do you recall them asking you any 16 questions?</p> <p>17 A No.</p> <p>18 Q Let me ask you if you told them this. 19 Before I do that, did they arrive at your location at 9:32 20 in the morning?</p> <p>21 A I don't know.</p> <p>22 Q If their records reflect that they were at 23 either location at 9:32, you wouldn't argue with that, 24 would you?</p> <p>25 A No.</p>	<p>Page 68</p> <p>1 hospitals?</p> <p>2 A No idea.</p> <p>3 Q Okay. Did you tell the folks at the 4 Rutherford County EMS that you started having seizures in 5 November of last year? Did you say that?</p> <p>6 A Yeah.</p> <p>7 Q Did you tell them that you forgot to take 8 your medications last night?</p> <p>9 A No, I don't know.</p> <p>10 Q You didn't say that or you don't know?</p> <p>11 A I don't know.</p> <p>12 Q Okay. Did you tell them that you had a 13 medical history of high blood pressure and high 14 cholesterol?</p> <p>15 A Yes.</p> <p>16 Q Did you tell them - -</p> <p>17 A I don't know. I don't know if I told them.</p> <p>18 Q Do you recall them commenting that your 19 speaking seemed slurred but you stated, "that has been 20 normal for him since December of last year"?</p> <p>21 A No.</p> <p>22 Q Did you say that?</p> <p>23 A No.</p> <p>24 Q Definitely?</p> <p>25 A I don't recall.</p>



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1	Q Don't recall?	1 A Don't know.
2	A No.	2 Q Did you ask the Rutherford County EMS
3	Q There is a difference between saying it	3 people to take you somewhere else?
4	didn't happen or you don't remember. Which one is it?	4 A No.
5	A I don't remember it.	5 Q Did you ask the Rutherford County EMS
6	Q Okay. Were you having what you thought was	6 people to take you to, as an example, University Medical
7	slurred speech at that time?	7 Center?
8	A I don't know.	8 A No.
9	Q Did you ever have what you thought was	9 Q What did you know about StoneCrest Medical
10	slurred speech on February 17, 2016?	10 Center on the morning of February 17, 2016?
11	A Yes.	11 A No idea.
12	Q When?	12 Q Had you ever been there before?
13	A When I went to - - the EMS took me to the	13 A Never.
14	hospital.	14 Q Sir?
15	Q When did the slurred speech start?	15 A Never.
16	A I don't know what time. I can't tell you	16 Q Okay. Did you have any idea who operated
17	what time.	17 the hospital?
18	Q It's important for you to be able to tell	18 A No.
19	me. If you can't, I understand. But what I want to know	19 Q Did you have any idea whether they hired
20	is, when do you recall you first having what appeared to	20 doctors or not?
21	you to be slurred speech on February 17, 2016?	21 A No.
22	A I don't know.	22 Q Did you have any idea whether they were a
23	Q Do you think, from what I've just read to	23 stroke center or not?
24	you, that you had some slurred speech when EMS was present	24 A No.
25	but you told them that was normal?	25 Q Did you have any idea whether they had any
	Page 70	Page 72
1	A No, I didn't.	1 medications for stroke or not?
2	Q Huh?	2 A No.
3	A No, I didn't.	3 Q You had nothing to do with the decision to
4	Q You definitely didn't say that?	4 go to StoneCrest?
5	A Did not.	5 A No.
6	Q Is your speech today the same way it was in	6 Q Correct?
7	February of 2016?	7 A Yes.
8	A No.	8 Q Okay. And you would have been fine
9	Q How is it different today?	9 wherever Rutherford County EMS wanted to take you?
10	A I don't know. I don't know how it's	10 A They would have taken me anywhere.
11	different.	11 Q You would have gone along with that?
12	Q You don't?	12 A Anywhere.
13	A I could talk then.	13 Q And you're sure they never asked you?
14	Q You could talk better then than you talk	14 A No. I don't.
15	now?	15 Q Let me ask you a question. You told me
16	A Yes.	16 that the company that had a contract to do deliveries, JTA
17	Q Okay. Can you think of any reason why the	17 Transport, did not pay you fringe benefits; but when you
18	EMS people at Rutherford County would not accurately	18 were admitted to StoneCrest you were listed as being under
19	record what you told them?	19 an insurance policy with UnitedHealthcare, policy number
20	A I don't know.	20 950404828, group number 904957. Who provided that policy?
21	Q Okay. How much time did it take before you	21 A I did.
22	got to a hospital?	22 Q And had you had it for some time privately,
23	A I don't know.	23 personally?
24	Q Do you know why you were taken to	24 A No. It's been a year since that,
25	StoneCrest Medical Center?	25 ObamaCare.



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1 Q Okay. So had you signed up for that	1 an IV line in your arm?
2 through one of those exchanges, the ObamaCare exchange?	2 A I don't know.
3 A Yeah.	3 Q Do you recall them doing anything for you
4 Q Okay. And one of the nice things about	4 other than driving you in a vehicle somewhere?
5 ObamaCare was that it limited your out-of-pocket expense	5 A Don't recall.
6 to no more than \$7,500, didn't it?	6 Q Do you even recall being in it?
7 A Uh-huh.	7 A I don't recall.
8 Q Yes?	8 Q You don't recall at all, do you?
9 A Yes.	9 A Nothing.
10 Q Guarantee no more than \$7,500?	10 Q What time did you arrive at StoneCrest
11 A Yes.	11 Medical Center?
12 Q So all these medical expenses that you've	12 A I don't know.
13 had, how much have you actually paid yourself?	13 Q Let me ask you some questions before we
14 A I haven't paid nothing.	14 leave the morning of February 17. Is it correct that on
15 Q You've paid zero, right?	15 the morning of February 17 you had what you recognized to
16 A Yeah.	16 be dizziness and slurred speech at 8:00 in the morning?
17 Q And the ObamaCare policy has paid for	17 A No.
18 everything else?	18 Q Not slurred speech but dizziness?
19 A Yes.	19 A Yeah, dizziness.
20 Q Yes?	20 Q Okay. Is it correct that you had been
21 A Yes.	21 having problems with not being able to speak correctly and
22 Q Are you still insured under that	22 facial weakness for a month before February 17, 2016? Is
23 UnitedHealthcare plan?	23 that true?
24 A No. No.	24 A No.
25 Q Who insures you now?	25 Q And you've never told anybody that, right?
Page 74	Page 76
1 A Blue Cross, Anthem.	1 You wouldn't have told somebody something that inaccurate,
2 Q Anthem of Kentucky?	2 would you?
3 A Yes.	3 A I would have told my wife.
4 Q Now, before you got in the ambulance and	4 Q Do you remember a Dr. Michael Nottidge at
5 were transported to a hospital, were you ever able to	5 Centennial?
6 speak to your wife to let her know what was going on?	6 A No.
7 A I would have, but I didn't have any way of	7 Q Did you tell Dr. Nottidge that as you were
8 contacting her.	8 getting ready to go to work your wife noted you were not
9 Q I'm sure you would have liked to have	9 speaking normally and that you were confused? Did you
10 talked to her. My question was, were you able to speak	10 ever tell him that?
11 with her before they transported you somewhere?	11 A Who's - - I don't know who the doctor is.
12 A I was not able to talk to her.	12 Q Do you recall ever telling a doctor at
13 Q Did you try calling her back the half an	13 Centennial, specifically Michael Nottidge or anyone else,
14 hour you were wandering around there?	14 that on the morning of February 17 as you were getting
15 A No.	15 ready to go to work your wife noted you were not speaking
16 Q Why not?	16 normally and that you were confused?
17 A Couldn't.	17 A No.
18 Q Why?	18 Q That didn't happen?
19 A Because I couldn't answer the phone.	19 A No.
20 Q Why not?	20 Q Did you tell Dr. Nottidge that while you
21 A Because I was with the EMS.	21 were at work at 8:00 in the morning you had increased
22 Q Okay. Did they strap you down in the back	22 right-sided weakness and an inability to speak? Did you
23 of that ambulance?	23 ever tell him that?
24 A I don't know.	24 A I don't know.
25 Q Do you recall if they made an IV line, put	25 Q Why would you tell him that if it wasn't



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1 true?	1 whose name is Mark Rinehart?
2 A I don't know.	2 A Don't recall.
3 Q What time did you arrive at StoneCrest?	3 Q Do you recall there being an IV line in
4 A I'm not sure.	4 your left or right arm?
5 Q Were you brought in on a stretcher?	5 A Don't recall.
6 A Yeah.	6 Q Do you recall being able to walk to the
7 Q Do you recall what the person looked like	7 restroom there at 10:30 in the morning on your own power?
8 who was the first one to greet you?	8 A Don't recall.
9 A No.	9 Q Were you able to walk on your own?
10 Q Male or female?	10 A No.
11 A Neither. I don't know.	11 Q Not. Were you able to walk to the bathroom
12 Q Either one. Do you know what room you were	12 and use the regular toilet on your own?
13 placed in in the emergency room?	13 A No.
14 A No, I don't.	14 Q Do you recall having a second CAT scan in
15 Q Have you ever tried to write out, type out,	15 the afternoon?
16 or dictate what you recall of February 17th?	16 A I don't recall.
17 A No.	17 Q Do you recall going back and forth to the
18 Q Have you ever seen this thing that's in	18 restroom without assistance and asking for food and being
19 your wife's handwriting?	19 given a sandwich, chips and drink to eat?
20 A Uh-huh.	20 A Don't recall.
21 Q Have you seen that?	21 Q Do you recall eating anything there?
22 A Yeah.	22 A Nothing.
23 Q When did you first see this document in	23 Q Tell me, from the time you arrived at
24 your wife's handwriting?	24 StoneCrest until the time you were transported to
25 A When I saw it like that, like that,	25 Centennial Medical Center, tell me if you remember
Page 78	Page 80
1 recently.	1 anything.
2 Q Just recently?	2 A Nothing.
3 A Yes.	3 Q Zero?
4 Q You didn't see it back on February 17,	4 A Zero.
5 2016, -	5 Q Why? Why is that?
6 A No.	6 A I don't know. I don't remember anything.
7 Q - did you?	7 Q Well, when you got to Centennial what do
8 A No.	8 you remember on February 17?
9 Q When was this thing written?	9 A Nothing.
10 A I don't know.	10 Q When is the first time you actually begin
11 Q Did you prepare anything like this?	11 to remember things?
12 A No.	12 A I begin to remember being in
13 Q Okay. Now, what do you recall, what tests?	13 rehabilitation.
14 We'll take those one by one. What tests do you remember	14 Q Is that when you first remembered things?
15 being performed on you at StoneCrest, in order?	15 A That's when I remember things.
16 A I don't recall any.	16 Q And that was at a nursing home, wasn't it?
17 Q Don't recall any?	17 A Yeah.
18 A No.	18 Q Okay. Do you recall being admitted to
19 Q Okay. Do you recall there being a chest	19 Centennial and being discharged?
20 x-ray being done on you?	20 MR. CUMMINGS: Are you okay?
21 A Don't recall.	21 THE WITNESS: Yeah, I think so.
22 Q No recall. Do you recall a CT scan being	22 MR. CUMMINGS: Okay. I just asked him that
23 done?	23 because his arm was shaking. I'm sorry to interrupt you.
24 A Don't recall.	24 Q Do you recall being at Centennial, being
25 Q Do you recall being introduced to a person	25 discharged and going home, then coming back?



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<p style="text-align: right;">Page 81</p> <p>1 A No.</p> <p>2 Q Do you recall falling at home while you</p> <p>3 were trying to go to the bathroom and then coming back to</p> <p>4 Centennial and being much, much worse than you were</p> <p>5 before?</p> <p>6 A Yes.</p> <p>7 Q You do remember that?</p> <p>8 A Yes.</p> <p>9 Q Tell us about that then. What happened at</p> <p>10 home, first of all?</p> <p>11 A I was in bed sleeping.</p> <p>12 Q Okay. Sleeping okay?</p> <p>13 A Yeah.</p> <p>14 Q Probably pretty tired after being in the</p> <p>15 hospital for awhile, I would think?</p> <p>16 A Yeah.</p> <p>17 Q You tried to get up to go to the bathroom?</p> <p>18 Yes?</p> <p>19 A Yes.</p> <p>20 Q And how had you fallen?</p> <p>21 A I fell backwards.</p> <p>22 Q Did you hit the back of your head?</p> <p>23 A Yes.</p> <p>24 Q Did you go all the way down?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 83</p> <p>1 the day, you certainly should have gone back, don't you</p> <p>2 think?</p> <p>3 A Yeah.</p> <p>4 Q Why wouldn't you?</p> <p>5 A Don't know.</p> <p>6 Q When you got to Centennial do you recall</p> <p>7 having any discussion with a physician whose name is</p> <p>8 Valdivia?</p> <p>9 A Yeah.</p> <p>10 Q Okay. Tell us what Dr. Valdivia told you.</p> <p>11 A He told - - he told me not to go</p> <p>12 to UnitedHealthcare. Not to go to - -</p> <p>13 MR. CUMMINGS: When you look at me, what are</p> <p>14 you - - are you trying to communicate something?</p> <p>15 THE WITNESS: No.</p> <p>16 MR. CUMMINGS: You're allowed to take a break,</p> <p>17 but you're going to need to answer his question first, if</p> <p>18 you're looking at me for a break. You remember?</p> <p>19 THE WITNESS: I'll need one after this.</p> <p>20 MR. CUMMINGS: That's perfect. You've got a</p> <p>21 question pending so do your best.</p> <p>22 A Say it again.</p> <p>23 Q Sure. I will remind you, this is, as I</p> <p>24 told you earlier, I just need you to tell me if you need a</p> <p>25 break for personal comfort.</p>
<p style="text-align: right;">Page 82</p> <p>1 Q Then what happened?</p> <p>2 A Then I sat down on a chair.</p> <p>3 Q I'm sorry?</p> <p>4 A I sat down on a chair.</p> <p>5 Q Sat down in a chair?</p> <p>6 A Yeah.</p> <p>7 Q And how long did you stay seated in that</p> <p>8 chair?</p> <p>9 A I don't know.</p> <p>10 Q The records show that you didn't come back</p> <p>11 to the emergency room at Centennial for either 14 or 19</p> <p>12 hours. Does that sound right? Quite awhile?</p> <p>13 A Yeah.</p> <p>14 Q Why did you not go back for at least half a</p> <p>15 day, maybe two-thirds or three-quarters of a day, after</p> <p>16 falling, hitting the back of your head?</p> <p>17 A I don't know.</p> <p>18 Q The records at Centennial for that second</p> <p>19 admission also say that you were getting worse throughout</p> <p>20 the day. Is there a reason why you didn't go back to see</p> <p>21 the doctors?</p> <p>22 A Sleep.</p> <p>23 Q Sleep?</p> <p>24 A Yeah.</p> <p>25 Q Well, if you were getting worse throughout</p>	<p style="text-align: right;">Page 84</p> <p>1 A Yeah.</p> <p>2 Q Any time you want to do that, just tell me;</p> <p>3 and as I said at the beginning, if you'll just answer the</p> <p>4 question that's pending, this one, you can take a break,</p> <p>5 get a cup of coffee, walk around outside if you want to.</p> <p>6 All right?</p> <p>7 A Okay.</p> <p>8 Q Now, here's the question: What did Dr.</p> <p>9 Valdivia tell you at Centennial and when did he speak with</p> <p>10 you?</p> <p>11 A He told me that they should not have sent</p> <p>12 me to the healthcare facility in Lebanon. What is it</p> <p>13 called?</p> <p>14 Q University Medical Center.</p> <p>15 A University Medical Center.</p> <p>16 Q Okay. Who's "they"?</p> <p>17 A Whoever sent me over there.</p> <p>18 Q That was Dr. Efobi that sent you there,</p> <p>19 right?</p> <p>20 A Uh-huh.</p> <p>21 Q Yes?</p> <p>22 A Yes.</p> <p>23 Q Okay. Now, when did Dr. Valdivia tell you</p> <p>24 that? First or second admission to Centennial?</p> <p>25 A I don't remember.</p>



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1 Q Do you recall Dr. Valdivia ever telling you	1 A No.
2 anything else other than what you just told me?	2 Q Do you recall whether you were fatigued or
3 A No.	3 not when you arrived at StoneCrest?
4 Q All right.	4 A No.
5 Do you know where the bathroom is, Mr. Ruffino?	5 Q You don't recall one way or the other?
6 A Yeah.	6 A No.
7 Q Okay. Well, do you want to take a break	7 Q Were you able to move your upper arms?
8 now?	8 A I would think - - I don't know.
9 A Yes. Please.	9 Q You don't know?
10 Q All right. Fine.	10 A No.
11 ---- (OFF THE RECORD) ----	11 Q Were you able to move your legs?
12 (Direct Examination continues by Mr. Gideon:)	12 A I don't know.
13 Q Are you feeling more comfortable now that	13 Q Was there one particular nurse that spent
14 we've had a break?	14 the most time with you on the morning of February 17,
15 A Doing good.	15 2016?
16 Q Have you identified any of the testimony	16 A No.
17 you've given me so far that's wrong and needs to be	17 Q Were you taken care of by a male nurse at
18 changed?	18 any time?
19 A I don't know.	19 A No.
20 Q I'll ask the question directly. Can you	20 Q Do you recall telling a nurse at 10:00 that
21 point to any testimony you've given me under oath that you	21 you had experienced dizziness, that you had called your
22 know needs to be changed because it's not correct?	22 boss while you were on your way to work and told your boss
23 A I don't know.	23 that you were feeling dizzy and that you had not taken
24 Q Okay. Have you taken any medications since	24 your Neurontin that morning? Do you recall telling that?
25 we started talking this morning?	25 A No.
Page 86	Page 88
1 A No, I haven't.	1 Q What I just read to you is actually
2 Q So there's nothing that's going to affect	2 correct, isn't it?
3 your memory?	3 A No.
4 A No.	4 Q Did you tell the folks at StoneCrest that
5 Q Do you know of anything that would make	5 your boss had called 9-1-1 and told you to pull over?
6 your memory better?	6 A No.
7 A No.	7 Q What did you tell them? Then if that's not
8 Q Does your memory get worse with the passage	8 right, what did you tell them as to why you were there?
9 of time?	9 A Didn't tell them anything.
10 A No.	10 Q Did they ask you any questions?
11 Q Does it get better with the passage of	11 A I don't know.
12 time?	12 Q If they asked you any questions, did you
13 A No.	13 just sit still and not answer?
14 Q It just stays the same even though time	14 A I do not know.
15 goes by?	15 Q You don't recall. Do you recall anybody at
16 A That's right.	16 StoneCrest ever asking you what the month was and what
17 Q Okay. When you first arrived at StoneCrest	17 your age was?
18 Medical Center, do you recall being introduced to a person	18 A No.
19 whose name is Carol McCullough?	19 Q Do you recall anyone at StoneCrest ever
20 A No.	20 asking you to open or close your eyes?
21 Q Do you recall telling the very first nurse	21 A No.
22 at StoneCrest that you'd begun having dizziness while	22 Q Do you recall anyone at StoneCrest ever
23 driving and you had a history of seizures?	23 asking you to check your grip by squeezing their finger?
24 A No.	24 A No.
25 Q You don't recall that either way?	25 Q You don't remember that either?



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1	A No.	1	speaking to people while you were at StoneCrest?
2	Q Could they have done that and you don't	2	A Don't remember.
3	recall?	3	Q Okay. Do you recall anybody checking to
4	A Could have.	4	see if you could swallow fluids?
5	Q Huh?	5	A Don't remember.
6	A They could have.	6	Q Could've occurred?
7	Q How many times?	7	A Could've. Could've not.
8	A I don't know.	8	Q Okay. Do you recall eating a sandwich,
9	Q Many times, right?	9	chips and a drink?
10	A I don't know.	10	A No.
11	Q Do you recall anybody checking your eyes at	11	Q Do you recall using the bathroom even one
12	StoneCrest using a small pen light?	12	time on your own power while you were at StoneCrest?
13	A No.	13	A No.
14	Q They could have, correct?	14	Q That could have happened, couldn't it?
15	A I don't know.	15	A I don't know.
16	Q Could have; you just don't remember?	16	Q Do you recall your wife leaving the
17	A Don't remember.	17	hospital and going outside to charge her phone?
18	Q Do you recall anybody at StoneCrest	18	A I don't remember.
19	actually checking to see if you could hold your right arm	19	Q What time did your wife arrive at
20	up?	20	StoneCrest Medical Center?
21	A I don't know.	21	A I don't remember.
22	Q Could have? Yes?	22	Q Do you recall her ever coming there?
23	A Could've. Could've not.	23	A I don't remember.
24	Q Do you recall anybody at StoneCrest	24	Q What?
25	checking to see if you could hold your left arm up?	25	A I don't remember.
	Page 90		Page 92
1	A I don't know.	1	Q The truth is you do not recall your wife
2	Q Could have?	2	ever being at StoneCrest, do you?
3	A Could've. Could've not.	3	A I don't remember.
4	Q Do you recall anybody at StoneCrest asking	4	Q Okay. Did you tell anybody at StoneCrest
5	you to push against their hand with your right foot?	5	Medical Center before 11:00 that morning that you had been
6	A I don't know.	6	taking Neurontin for four days for spells?
7	Q Could've occurred?	7	A Don't remember.
8	A I don't know.	8	Q Do you recall telling anybody at StoneCrest
9	Q Could have occurred; you just don't	9	Medical Center before 11:00 that morning that those spells
10	remember?	10	had been going on for a whole month?
11	A I don't remember.	11	A Don't remember.
12	Q Okay. Do you recall anybody at StoneCrest	12	Q Do you recall ever seeing a physician who
13	asking you to push your left foot against their hand?	13	introduced himself to you as Clark Archer?
14	A I don't remember.	14	A Don't remember.
15	Q You don't recall that occurring?	15	Q Do you recall telling Clark Archer that
16	A No.	16	your symptoms came and went?
17	Q Do you recall whether you were able to hold	17	A Don't remember.
18	your left leg up?	18	Q Do you recall Dr. Archer asking you any
19	A I don't remember.	19	questions?
20	Q Do you recall if you were able to hold your	20	A Don't remember.
21	right leg up?	21	Q Do you recall meeting another physician who
22	A Don't remember.	22	introduced himself to you as Chitturi?
23	Q Do you recall anybody checking that?	23	A Don't remember.
24	A Don't remember.	24	Q Do you remember anything about your
25	Q Do you recall having any difficulty	25	symptoms there?



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1	A Don't remember.	1	26, the day of your discharge, you were able to walk,
2	Q Do you recall participating in a discussion	2	talk, and function without limitations?
3	to transfer you to another hospital?	3	A Don't recall.
4	A Don't remember.	4	Q No recall.
5	Q Do you recall at any time speaking with a	5	What did the doctors tell you when they
6	nurse, a female nurse, in the afternoon about who was	6	discharged you that they wanted you to do when you were
7	going to transport you and where you were going to go?	7	7 home?
8	A I don't remember.	8	A Don't recall.
9	Q Do you recall seeing a Dr. Ron Wilson at	9	Q When you came back on February 27th do you
10	Centennial?	10	recall telling them that you now had dysfunction in your
11	A I remember seeing him.	11	11 eyes?
12	Q Yes?	12	A No.
13	A Yes.	13	Q Do you recall telling them that your
14	Q Were you satisfied with Dr. Ron Wilson's	14	14 difficulty speaking had become much worse?
15	care?	15	A Don't recall.
16	A Yes.	16	Q Do you recall telling them that you had
17	Q Do you recall a discussion with him on	17	17 much worse right-sided weakness on February 27?
18	February 20th and again on February 21st?	18	A Don't recall.
19	A Huh-uh.	19	Q And do you recall telling them that you had
20	Q You don't recall the dates?	20	20 fallen at 4:30 in the morning on February 27 and you had
21	A No.	21	21 gotten worse all day?
22	Q Tell me what you remember Dr. Wilson	22	A Don't recall.
23	sharing with you.	23	Q Do you recall not coming back to the
24	A I don't remember.	24	24 hospital until 1949 that evening, which is 15 hours later?
25	Q Okay. Do you recall Dr. Wilson telling you	25	A Don't recall.
	Page 94		Page 96
1	that there was only a partial blockage in a vessel?	1	Q After you went to rehab and you were
2	A No.	2	discharged, do you recall seeing a doctor named Andre
3	Q Okay. Once you got to Centennial, do you	3	Olivier, Olivier or Olivier?
4	remember you were better the next day?	4	A Yes.
5	A No.	5	Q A heart doctor at St. Thomas Health?
6	Q Do you recall that the doctors at	6	A Yes.
7	Centennial let your blood pressure stay high and put you	7	Q What made you decide to go see him?
8	flat in a bed?	8	A Because - - I don't know.
9	A No. I don't recall.	9	Q Okay. Do you recall telling him that your
10	Q Okay. Do you recall being able to say	10	10 father had died of a heart attack when your dad was in his
11	words on the 18th, day after you were admitted?	11	11 50s?
12	A I don't recall.	12	A I remember telling him that.
13	Q Do you recall that you were able to walk	13	Q Is that true?
14	around without assistance by the 21st?	14	A Yeah.
15	A I don't recall.	15	Q How about the other males in your family?
16	Q Do you recall that you continued to get	16	Are you the - - are you the only boy in your group?
17	better and better and better until you were discharged	17	A No.
18	from the hospital?	18	Q How many brothers did you have?
19	A I don't recall.	19	A Two brothers.
20	Q At the time of your discharge from the	20	Q Two brothers. Are they still alive?
21	hospital do you recall that insurance company that you had	21	A Yes.
22	denied permission for you to go to a rehabilitation	22	Q Where are they now?
23	facility?	23	A One's in Fresno and one's in Minnesota.
24	A Don't recall.	24	Q One's in where?
25	Q All right. Do you recall that on February	25	A California.



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1	Q Fresno, California?	1 could get - -	
2	A Yeah.	2 A Have no clue on that.	
3	Q Okay. And one's in Minnesota?	3 Q No clue on that.	
4	A Yeah.	4 Did you tell him that you felt you could not get	
5	Q Have either of them had heart attacks?	5 a deep enough breath?	
6	A No.	6 A No.	
7	Q Have either of them had strokes?	7 Q Do you recall him telling you that your	
8	A No.	8 difficulty with air hunger had nothing to do with your	
9	Q Are either of them overweight?	9 stroke?	
10	A No.	10 A No.	
11	Q Now, what's your current weight?	11 Q How do you experience air hunger today?	
12	A 250.	12 What are your circumstances where you feel like you can't	
13	Q And you're 5'5"?	13 get a deep breath?	
14	(WITNESS NODS YES INDICATING THE AFFIRMATIVE.)	14 A I don't know.	
15	Q Do you recall Dr. -- is it Olivier or	15 Q Well, today, for example, as you were	
16	Olivier?	16 walking in from your vehicle, did you feel like you didn't	
17	A Olivier.	17 have enough air?	
18	Q Olivier. Do you recall Dr. Olivier telling	18 A No.	
19	you you had what's called morbid obesity?	19 Q Were you comfortable walking along -	
20	A No.	20 A Yes.	
21	Q Do you know what morbid obesity is?	21 Q - using your - - is that a four point cane?	
22	A Yeah.	22 A Yes, it is. Felt fine.	
23	Q Being really, really heavy?	23 Q All right. What are the experiences then	
24	A Yeah.	24 when you feel air hunger? What are you doing when you	
25	Q Do you understand that you do have that	25 feel it?	
	Page 98		Page 100
1	condition?	1 A Laughing.	
2	A Yeah.	2 Q Laughing?	
3	Q Are you not able to control your weight?	3 A Yeah.	
4	A Yeah.	4 Q Okay. Anything else that makes you feel	
5	Q Were you not able to control your weight	5 air hunger?	
6	before your stroke?	6 A No.	
7	A I was at 220 then.	7 Q All right. Now, Dr. Olivier put what's	
8	Q You weighed 250 before your stroke, didn't	8 called a loop recorder in you, correct?	
9	you?	9 A Yeah.	
10	A No.	10 Q Is it still in place?	
11	Q No?	11 A Yes.	
12	A No.	12 Q Does somebody periodically connect to that	
13	Q Well, when you went to see Dr. Olivier, do	13 loop recorder and download the information?	
14	you recall telling him that you were having sudden bouts	14 A Yes.	
15	of air hunger where you couldn't feel like you could get a	15 Q How often does that happen?	
16	breath?	16 A Every day.	
17	A What I have now.	17 Q How do you connect to a computer or a	
18	Q Is that what you have now?	18 telephone so they can download that information each day?	
19	A Yeah.	19 A A little mouse-like thing.	
20	Q Do you recall telling Dr. Olivier that's	20 Q Mouse-like thing?	
21	what you were having back in October of 2016?	21 A Yeah.	
22	A No. Yeah. Yeah. Yeah.	22 Q Do you have to touch it -	
23	Q Okay. And do you recall that that was	23 A Yes.	
24	occurring throughout the day both when you were awake and	24 Q - to a probe or an electrode?	
25	when you were sleeping, where you never felt like you	25 A Electrode probe.	



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1	Q Right there in the middle?	1 Q Nothing?
2	A Yeah.	2 A Nothing.
3	Q And you just connect a wire to it?	3 Q You've never lived here before?
4	A No.	4 A No.
5	Q Is there a mouse-like thing that connects	5 Q You don't have family here?
6	to that probe and then the mouse sends the information to	6 A No.
7	somebody?	7 Q No kin of any kind?
8	A Say that again.	8 A None.
9	Q Sure. How does the information that's on	9 Q Your disability benefits pay you how much
10	the loop recorder get to a doctor?	10 per month?
11	A Goes to that device and then just put on	11 A 1980.
12	the phone and it goes to that doctor.	12 Q How long has it been 1980?
13	Q And are you still receiving care from Dr.	13 A Same. It's been the same.
14	Olivier?	14 Q Well, in your answers to interrogatories I
15	A Yes.	15 think you said 1800.
16	Q When is the last time you saw Dr. Olivier?	16 A That's -- 1980, 1800, it's about the
17	A A year ago. November.	17 same.
18	Q Well, looking at the records that we've	18 Q About the same -
19	been able to get, your first visit with him was on October	19 A Yes.
20	6, 2016. Then you saw him November 14, 2016. You were	20 Q - give or 190 or 180 dollars?
21	supposed to return on February 4, 2017. Did you go back	21 A Yeah.
22	and see him this year?	22 Q Has it been the same since you got
23	A No. We haven't seen him this year.	23 disability?
24	Q So you're not currently under his care	24 A Yeah.
25	then?	25 Q You applied for Social Security Disability
	Page 102	Page 104
1	A I don't know. I still load up and download	1 benefits when?
2	it.	2 A 2016.
3	Q Well, we won't spend any time arguing about	3 Q Did you apply in Tennessee or here?
4	whether you're still under his care since you haven't gone	4 A Tennessee.
5	back to see him this year, but is there any other heart	5 Q Were you paid a lump sum amount of money
6	doctor caring for you?	6 when they first started paying you benefits?
7	A No.	7 A They started paying me benefits as it goes
8	Q Do you recall Dr. Olivier telling you that	8 on every month.
9	you had what he thought was atrial fibrillation?	9 Q Well, here's what I'm talking about,
10	A No.	10 Mr. Ruffino. If, for example, somebody applies for
11	Q Is there a neurologist taking care of you	11 disability benefits on February 1st of 2017, there's
12	in this area other than Dr. Dongas?	12 usually a gap before they're approved; and then, if
13	A No.	13 they're approved, the government will send a lump sum
14	Q I asked you this earlier, but I still don't	14 check that would have covered those months after the
15	quite understand. What made you decide to move here?	15 application to you. Do you recall getting a lump sum
16	There are no kids here, right?	16 check?
17	A Right.	17 A I don't recall.
18	Q The friend that was here died a couple	18 Q Does your wife also get disability benefits
19	years ago, right?	19 too?
20	A Yeah. She just died.	20 A Yes.
21	Q Died in September of this year?	21 Q How much does she get each month?
22	A Yeah.	22 A I don't know.
23	Q Okay. Other than her, what brought you to	23 Q Is she disabled from working?
24	Mayfield, Kentucky?	24 A Yes.
25	A Nobody.	25 Q How?



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1	A COPD.	1 A This thing.
2	Q What?	2 Q "This thing" meaning what?
3	A She has COPD.	3 A The loop.
4	Q From smoking?	4 Q Oh, you're having irregular heartbeats,
5	A Yeah.	5 right?
6	Q How long has she had disabling COPD?	6 A No.
7	A I don't know. She's had it for two, three	7 Q No. Well, what does the loop recorder have
8	years.	8 to do with seizures? Explain that to me.
9	Q So she was disabled from working?	9 A I don't think it has anything to do with
10	A Four years.	10 that. I don't know what the seizures are.
11	Q Pardon me?	11 Q Okay. You know you're having seizures; you
12	A Four years maybe.	12 just don't know what's causing them. Is that what you're
13	Q She was disabled from working before your	13 telling me?
14	stroke due to COPD?	14 A Right.
15	A Yeah.	15 Q Okay. And the seizures you're having
16	Q She'd been getting disability benefits	16 today, are they any different than the seizures you
17	before you did, then?	17 experienced back in December of 2015?
18	A Yeah.	18 A No. No.
19	Q And you don't have any idea how much it is?	19 Q When you're at home here in Kentucky, what
20	A Not offhand.	20 kind of bed do you sleep in?
21	Q Can you approximate it for me?	21 A Regular bed.
22	A 900.	22 Q And how long has that been the case?
23	Q Okay. Are you and your wife making more	23 A Since I've had it. Since I had the stroke.
24	money now from disability benefits than you were making	24 Q Okay. Has anybody ever told you that what
25	when you worked for JTA Transport?	25 you need is a hospital bed?
	Page 106	Page 108
1	A No.	1 A That's what I would like.
2	Q How much did you take home from JTA	2 Q Huh?
3	Transport each month?	3 A That's what I would like.
4	A I don't know. Can't remember.	4 Q No. My question is not what you would
5	Q All right. You will recall we talked about	5 like. Has anybody told you that you need a hospital bed?
6	Dr. Carrico a little while ago. He's your doctor here in	6 A No.
7	Kentucky, isn't he?	7 Q Have you tried to get a hospital bed -
8	A Yeah.	8 A No.
9	Q His records reflect you first saw him on	9 Q - from a medical supplier?
10	January 31st, 2017, and when you saw him you were	10 A No.
11	complaining of seizures at that time. Does that sound	11 Q Do you have a walk-in shower at your home
12	right to you?	12 here in Mayfield?
13	A Wait a minute. Yeah.	13 A Yes.
14	Q Okay. When did the seizures start?	14 Q Was that already in the house when you
15	A What was -- it was with these seizures.	15 began renting it?
16	Q So it's the same --	16 A Yes.
17	A No. No. It's different.	17 Q Do you have a lift chair in the shower or
18	Q Are they different seizures now than what	18 the bathtub?
19	you had before?	19 A No.
20	A No. No.	20 Q Has anybody ever told you you needed to
21	Q They're all the same?	21 have a lift chair?
22	A Yeah.	22 A No.
23	Q So these seizures that you're dealing with	23 Q Do you get physical therapy at home?
24	now are like the seizures that started back in December of	24 A No.
25	2015?	25 Q When is the last time you got physical



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1 therapy?	1 A No.
2 A July of last year.	2 Q You're not covered by disability?
3 Q July of '16?	3 A No.
4 A Yeah.	4 Q Have you applied to become covered by the
5 Q And where was it?	5 Medicare program?
6 A I don't know the name of it. It's a	6 A They won't take me.
7 facility in Smithville, Tennessee.	7 Q Why?
8 Q NHC?	8 A They won't take my insurance. They won't
9 A Yeah.	9 take anything.
10 Q That's the last time?	10 Q Who's "they" that won't take you?
11 A Yeah.	11 A The state.
12 Q Do you feel that that physical therapy	12 Q The State of Kentucky?
13 helped you?	13 A Yeah.
14 A Yes.	14 Q Have you thought about moving back to
15 Q And how did it help?	15 Tennessee?
16 A It helped with my arm and my talking.	16 A No.
17 Q Okay. How did it help with your right arm?	17 Q Why not?
18 A I'd be able to lift it up.	18 A Because we're not going to Tennessee.
19 Q You would be able to lift it up? How much	19 Q Why? If you could get physical therapy in
20 further up than you just lifted it?	20 Tennessee as you did before, why not move back?
21 A I think I could go up to my - - be up to	21 A Won't be - - they won't take me there.
22 like here.	22 Q How do you know that?
23 Q Okay. And has it not - - you can't lift it	23 A They don't have the state requirements.
24 as much now as you could before because you haven't had	24 Don't have it.
25 any physical therapy, correct?	25 Q What state requirements?
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1 A Yes.	1 A The state help, Medicare, Medicaid, they
2 Q And how did their speech therapy help you	2 don't give it to me.
3 with your talking?	3 Q Well, one of the things that people have to
4 A They had electrode. They put electrodes on	4 do in order to get Medicare is to submit an application to
5 my cheek and it would lift it up.	5 be included.
6 Q Would lift your cheek up -	6 A And they don't take mine.
7 A And I'd talk.	7 Q Have you - -
8 Q - by tightening up the muscles?	8 A They don't take it.
9 A Yes.	9 Q Excuse me just a minute.
10 Q Okay. All right. Has any doctor since	10 A They don't take it.
11 then, for example Dr. Carrico or any other physician, said	11 Q Have you applied -
12 that you need physical therapy now?	12 A Yes.
13 A I don't know.	13 Q - to become eligible -
14 Q Have you tried to get physical therapy? I	14 A Yes.
15 just noticed, for example, when we were coming in this	15 Q - for Medicare?
16 morning there's a big hospital here right off the	16 A Yes.
17 Interstate, Jackson Purchase.	17 Q Where and when?
18 A Yeah.	18 A Where and when? I don't know.
19 Q Have you tried to get physical therapy	19 Q When? Just ballpark it for me.
20 since you moved to Mayfield?	20 A October of 2016.
21 A No.	21 Q Okay. And did you apply at an office in
22 Q Why not?	22 Smithville? You were still in Tennessee at the time,
23 A Money.	23 weren't you?
24 Q Well, you're covered by disability, aren't	24 A Yeah.
25 you?	25 Q You applied for disability benefits in



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1 Smithville. Is that the same location where you sought	1 A I don't know.
2 Medicare?	2 Q Do you recall somebody sending you to him?
3 A Yeah. Yeah.	3 A No.
4 Q Well, Medicare always responds in writing	4 Q Okay. Have you been involved in lawsuits
5 to tell you how they viewed your application. Where is	5 before?
6 your information that shows how they responded to your	6 A No.
7 application?	7 Q Has your wife been involved in lawsuits
8 A I don't know.	8 before?
9 Q Do you wear diapers?	9 A No.
10 A Yes.	10 Q No?
11 Q How long have you been doing that?	11 A Not that I know of.
12 A Ever since I've had that stroke.	12 Q When you went through the application for
13 Q Now, you have used the bathroom here today,	13 disability benefits, do you recall the Social Security
14 have you not?	14 Administration sending you to a doctor for the purposes of
15 A Yes.	15 an evaluation?
16 Q Okay. Do you wear adult diapers just in	16 A No.
17 the event of leakage? What I'm getting at is, can you go	17 Q It's your understanding that the benefits
18 to the bathroom here and urinate in a urinal?	18 were approved without an examination by any special
19 A No.	19 doctor?
20 Q You cannot?	20 A I don't know.
21 A No.	21 Q You don't know. Okay. Thank you.
22 Q When you went to the bathroom here what did	22 A You're welcome.
23 you do? Did you change the diaper? Is that how you take	23 MR. GORMAN: I don't believe I have any
24 care of urination?	24 questions at this time.
25 A With the diaper, diaper goes down and I	25 MR. CUMMINGS: I'm sorry. I was about to
Page 114	Page 116
1 urinate in there.	1 interrupt you actually and I'm sorry. I'd forgotten you
2 Q Okay. Is the diaper then just for leakage	2 were there. No questions.
3 in the event that leakage happens?	3 MR. GIDEON: It's going to take a while with Ms.
4 A Yeah.	4 Ruffino, so let's eat. It's 12:15. Let's be back at 1:15
5 Q Okay. What about fecal matter? Do you	5 and we'll start with her.
6 have the ability to control your bowels?	6 (VIDEO DEPOSITION ENDED AT 12:12 P.M.)
7 A No.	7 AND FURTHER DEPONENT SAYETH NOT: --
8 Q You can't control your bowels?	8 DEPONENT'S SIGNATURE REQUESTED: --
9 A No.	9 (WHEREUPON, DOCUMENTS REFERRED TO DURING THE
10 Q And when did that first become a problem?	10 COURSE OF THE VIDEOTAPED DEPOSITION HAVE BEEN MARKED FOR
11 A 2/18/2016.	11 IDENTIFICATION AND HAVE BEEN ATTACHED HERETO AND MADE A
12 Q 2/18/16. What happened on the 18th of	12 PART HEREOF.)
13 February 2016 that led you to lose control of your bowels?	13 (UNLESS OTHERWISE NOTIFIED BY THE PARTIES
14 A The stroke.	14 INVOLVED, THE TAPE RECORDING MADE IN CONNECTION WITH THE
15 Q What made you decide to go see a lawyer?	15 TAKING OF THE VIDEOTAPED DEPOSITION WILL BE DESTROYED SIX
16 A I don't know.	16 MONTHS FROM THE DATE OF THE VIDEOTAPED DEPOSITION.)
17 Q When did you decide to go see a lawyer?	17
18 A I don't know.	18
19 Q Which lawyers have you seen?	19
20 A Just him.	20
21 Q Just Mr. Cummings?	21
22 A Yeah.	22
23 Q Did you know Mr. Cummings previously?	23
24 A No.	24
25 Q How did you know he existed?	25



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<p style="text-align: right;">Page 117</p> <p>1 COMMONWEALTH OF KENTUCKY) 2) SS: 3 COUNTY OF DAVIESS) 4 I, Jane Belcher, Notary Public, State-at-Large, do 5 hereby certify that the foregoing deposition was taken at 6 the time and place set forth in the caption thereof; that 7 the witness therein was duly sworn on oath to testify the 8 truth; the proceeding was reported by me stenographically; 9 and the foregoing is a true and correct transcript to the 10 best of my ability. 11 I further certify I'm not a relative or employee of 12 attorney or counsel of any of the parties hereto, nor a 13 relative or employee of such attorney or counsel, nor do I 14 have any interest in the outcome or events of this action. 15 I hereby certify that the appearances were as stated in 16 the caption.</p> <p style="text-align: center;">DATED THIS 30TH DAY OF OCTOBER 2017.</p> <p><i>Jane Belcher</i> JANE BELCHER, NOTARY PUBLIC STATE AT-LARGE NOTARY ID 479570 OHIO VALLEY REPORTING SERVICE 2200 EAST PARRISH AVENUE, SUITE 106-E OWENS, KENTUCKY 42303 COMMISSION EXPIRES: DECEMBER 7, 2020 COUNTY OF RESIDENCE: DAVIESS COUNTY, KENTUCKY</p>	<p style="text-align: right;">Page 119</p> <p>1 2 3 STATE OF _____: 4 COUNTY OF _____: 5 6 I, _____, do hereby certify that 7 JOHN RUFFINO hereby personally appeared before me and 8 acknowledged same. 9 10 This, being the ____ day of ____ 2017. 11 12 _____ NOTARY PUBLIC 13 14 COMMISSION EXPIRES: _____ 15 COUNTY OF RESIDENCE: _____ 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 118</p> <p>1 UNITED STATES DISTRICT COURT 2 MIDDLE DISTRICT OF TENNESSEE 3 NASHVILLE DIVISION 4 JOHN RUFFINO and MARTHA RUFFINO,) Husband and Wife,) Plaintiffs,) () Civil Action No. 3:17-cv-00725 DR. CLARK ARCHER and HCA) Jury Demand HEALTH SERVICES OF TENNESSEE, INC.) Judge Crenshaw d/b/a STONECREST MEDICAL CENTER,) Magistrate Judge Newbern Defendants.)</p> <p>VIDEO DEPOSITION OF JOHN RUFFINO OCTOBER 24, 2017 DEPONENT CERTIFICATION</p> <p>I, JOHN RUFFINO, do hereby certify that the aforegoing deposition was taken at the time, place, and for said purposes as indicated in the caption, and that said deposition is a true, complete and accurate transcript thereof.</p> <p>This, being the ____ day of ____ 2017.</p> <p>JOHN RUFFINO, DEPONENT</p>	<p style="text-align: right;">Page 120</p> <p>1 ERRATA SHEET 2 INSTRUCTIONS: After reading the transcript, please note any change, addition or deletion on this sheet. DO NOT mark 3 on the actual transcript. (Use additional paper if needed and attach to this sheet) 4 Please sign and date this errata sheet and return it to the court reporting agency indicated below. WITNESS NAME: JOHN RUFFINO DATE OF DEPOSITION: OCTOBER 24, 2017 Page Number ____ Line Number ____ Change _____ Page Number ____ Line Number ____ Change _____ SIGNATURE OF DEPONENT _____ DATE _____</p>



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